

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADL. BENCH  
AT HYDERABAD

O.A. No. 444 of 1992.

Between:

Ch. Srinivasulu

Applicant

Vs.

Union of India represented by  
Secretary to the Govt.  
Department of Posts,  
New Delhi 110 001 and 4 others.

Respondents.

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS.

I, K. Sandhya Rani, D/o Shri K. Papa Rao aged 31 years  
Occupation: Government Service do hereby affirm and  
state as follows:

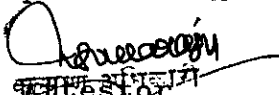
1. I am the A.P.M.G in O/o the Respondent No. 2 and  
as such I am fully acquainted with all facts of the case.  
I am filing this Counter Affidavit on behalf of all the  
Respondents as I have been authorised to do so. The  
material averments in the O.A are denied, save those  
that are expressly admitted herein. The applicant is  
put to strict proof of all such averments except those  
that are specifically admitted hereunder:

The brief facts of the case are stated as under:

The applicant herein Shri Ch. Srinivasulu, LSG  
Sub Postmaster, Bhagyanagar SO, Kurnool (now LSG, P.A.  
Kurnool H.O has filed OA in CAT, Hyderabad for not  
considering his case for promotion to the cadre of HSG.II  
under BCR Scheme on completion of 26 years of service  
in the basic cadre of PAs stipulated in DG Posts Lr.  
No. 23-1/89-PE.I dated 11.10.91. The applicant had joined  
the department as PA on 28.11.1961 and completed 26  
years of service in the cadre of PAs by 6.12.87 (exclu-  
ding the period of dies-non for 9 days from 3.5.68 and  
25.5.89.

The case of the applicant for promotion to the next  
higher cadre under BCR scheme was considered by the DPC  
convened in this regard on 11/13.12.91 by the PMG, AP SR  
Kurnool and the findings of the DPC were kept in a  
sealed cover as a disciplinary case under Rule-14 of  
CCS(CCA) Rules 1965 is pending.

Aggrieved against this non-promotion, filed the  
present O.A.

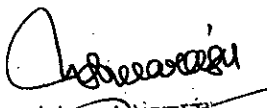
  
WELFARE OFFICER  
The Postmaster General  
A.P. G... .. 001

  
Deponent.

In reply to para 4, it is submitted that the applicant had joined the department on 28.11.1961 and completed 26 years of service as on the date of introduction of BCR scheme excluding the period of dies non for 9 days from 3.5.68 to 10.5.68 and 25.5.1989. The official was promoted to the LSG cadre from 30.11.1983 on completion of 16 years of satisfactory service in the cadre of PA under one time TBOP scheme. He was due for promotion to the next higher scale under BCR scheme (HSG II) by 1.10.91 as he had completed 26 years of service. The applicant was issued charge sheet under Rule 14 of CCS(CCA) Rules, 1965 vide SPOs, Kurnool memo No. BGT/LTC/Vfn/CHS dated 25.4.90, as he has submitted the bogus LTC claim for the block period of 1978-81. As per the OM of Dept. of Personnel, promotions of <sup>officials</sup> against whom disciplinary case is pending would be considered by the DPC constituted for the purpose and the findings would be kept in a sealed cover and further action would be taken on finalisation of such disciplinary case. Hence the case of the applicant for promotion to next higher cadre under BCR scheme was considered by the DPC convened in this regard on 11/13.12.1991 by the PMG APSR, Kurnool and the findings of the DPC was kept in a sealed cover. Therefore, it is not correct to say that his case for promotion to the next higher scale under BCR scheme was not considered and his promotion was denied. The applicant is aware of the above fact and stated in the OA that his promotion under BCR scheme was not given due to pendency of the Rule-14 charge sheet against him. The applicant was issued charge memo under Rule-14 under CCS(CCA) Rules 1965 vide SPOs, Kurnool memo No. BGT/LTC Vfn/CHS dated 25.4.1990. The IO and PO were appointed in the case on 17.9.1991. The OSD O/o CPMG, Hyderabad was appointed as IO on 27.11.1991. The first sitting was held on 9.1.1992.

In reply to para 5, it is submitted that:

(i) On account of new scheme w.e.f. 1.10.91, the applicant's promotion under the same scheme was considered by the DPC and the findings were kept in a sealed cover as there was disciplinary case pending against him. It is not correct to say that his promotion was ignored.

  
Attestation  
WELEARE OFFICER  
पोस्टमास्टर जनरल का कार्यालय  
o/o The Postmaster General  
अ.प. चिह्न - 500 001.

  
Deponent.

(ii),(iii) & (iv): Though the applicant has completed 26 years of service, he was not having good record of service as he was found to have submitted bogus LTC claim for the block 1978-81 for which Rule 14 charge sheet under CCS(CCA) Rules 1965 was issued on 25.4.90 by the SPOs, Kurnool. The findings of the DPC were kept in a sealed cover as stated above. Hence the promotion was not refused/denied.

In reply to para 6, it is submitted that it is a fact that the applicant submitted representations on 16.4.92 and 29.4.92. Since the findings of the DPC about his promotion were kept in a sealed cover, no reply could be given to the applicant.

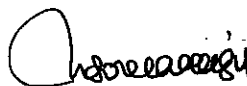
It can, therefore, be seen that it is not a case where the applicant was not considered at all. The fact is that he was considered and the findings of the DPC are kept in a sealed cover as he is under cloud. No sooner the disciplinary proceedings are finalised, the sealed cover will be opened and if he is exonerated the benefit of the findings of the DPC will be given to him.

For the reasons stated above, the applicant has not made out any case either on the facts or on law and there is no merit in the O.A. It is, therefore, prayed that this Hon'ble Court may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

  
DEPONENT.

Solemnly and sincerely affirmed  
this            day of            1993 and  
signed his name in my presence.

Before me



Attestor.

कल्याण अधिकारी

WELFARE OFFICER

पोस्टमास्टर जनरल का कार्यालय  
o/o The Postmaster General

आंध्र प्रदेश  
A.P. Circle No. Warangal 500 001

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL: ADDL. BENCH  
AT HYDERABAD.

O.A. No. 444 of 1992.



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Filed by:

N.R. Swasaj.  
Sr. Case.

✓  
3/5/93