

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.632/92

Date of Judgment: 21.2.95.

BETWEEN:

SHRI A.B.S. SARMA

APPLICANT

AND

Union of India represented by:

1. The Secretary to the Government,
Dept. of Posts,
New Delhi.

2. The Chief Postmaster General,
Hyderabad.

3. The Postmaster General,
Visakhapatnam.

4. The Sr. Superintendent of Post Offices,
Amalapuram.

Respondents

COUNSEL FOR THE APPLICANT: SHRI KSR ANJANEYULU

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ, SR. CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

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(92)

OA 632/92.

Judgment

Dt: 21.2.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri KSR Anjaneyulu, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant joined service as LDC in Savings Bank Control Organisation (SBCO) in Vizianagaram Division. He was transferred to East Godavari Division and then posted as LDC, SBCO at Amalapuram on 19.12.1989.

3. The applicant appeared for the first paper for the examination held on 5.6.1991 for consideration for promotion as UDC. The TECP scheme was extended to the cadre of LDCs/UDCs in SBCO with effect from 1.8.1991, vide DGP letter No.20.2/88-PE.I, dated 26.7.1991. The LDCs were in the pay scale of Rs.950-1500 while UDCs were in the pay scale of Rs.1200-2040. As per TBOP scheme, ^{LDCs & UDCs to} option was given to shift to the new scale (Rs.975-1660) as T/S PA SBCO under TBOP scheme. By the letter dated 26.8.1991, the applicant opted to come over to TBOP scheme with effect from 1.9.1991. He appeared for the second paper for the examination conducted for promotion

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to the post of UDC on 1.9.1991. He was declared successful in the said examination when the results were announced on 19.9.1991.

4. But when the applicant was not given the order of promotion, he submitted representation dated 25.1.92 praying for an order of promotion as UDC. The same was forwarded by R-3 to R-2 by the letter dated 11.2.1992. This OA was filed on 27.7.1992 praying for direction to the respondents to promote the applicant as UDC in pursuance of the select list communicated in CPMG, Hyderabad letter No. RE/8-1/90/CON, dated 19.9.91 against the existing vacant post with all consequential benefits such as fixation of pay and arrears.

5. It is pleaded for the respondents that as the applicant ~~ceased~~ ^{seized} to be LDC and as he had become T/S PA under the TBOP scheme with effect from 1.9.1991 and as there is no post of ~~is~~ UDC under the said scheme, the question of promoting the applicant to the post of UDC does not arise. It is evident from the pleadings that the posts of LDCs and UDCs existed under the old scheme and both the LDCs ~~and~~ and UDCs under the old scheme were given options to shift to the post of T/S PA in the new scheme. When the applicant opted to come over to the new scheme even before he appeared for the second paper for the examination conducted for consideration for promotion ^{to the post} ~~of~~ UDC and as he had come into the new scheme and thus he had become T/S PA under the new scheme with effect from 1.9.1991 ie., long

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before the results were ~~published~~ published for promotion to the post of UDC, the question ~~of~~ ^{of} ~~promote~~ ^{ing} the applicant, to the post of UDC does not arise. But the learned counsel for the applicant submitted that the date of option to come to the new scheme may be treated as the date subsequent to the date of publication of the results. The said contention is not tenable, for the applicant himself stated in his letter dated 26.8.1991 that he would opt to come to the new scheme with effect from 1.9.1991, the very date on which the 2nd paper examination was conducted for consideration for promotion to the post of UDC.

6. The applicant pleaded that Shri Vijaya Babu who is at Sl.No.3 of the select list of 19.9.1991 was taken under the new scheme by treating him as UDC before he was taken under the new scheme. It is stated for the respondents that Shri Vijaya Babu was promoted as UDC on adhoc basis on 28.3.1991, and as he opted to come over to the new scheme with effect from 1.8.1991, he was continued as UDC on adhoc basis upto 31.7.1991 and thus it is not a case where he was promoted to the post of UDC prior to 1.8.1991 on the basis of his empanelment in the select list of 19.9.1991. The said fact was not denied for the applicant. The question as to whether on the above basis, the applicant is entitled to stepping up is not a matter for consideration in

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prayed for
 this OA, for the applicant had not come up with such a relief in this OA. So, we ~~may~~ will leave it open for consideration as and when it arises. // There are no merits in this OA and accordingly it is dismissed. No costs. //

transcript
 (A.B.GORTI)
 MEMBER (ADMN.)

Neeladri
 (V.NEELADRI RAO)
 VICE CHAIRMAN

DATED: 21st February, 1995.
 Open court dictation.

vsn

Anjaneyulu
 Dy. Registrar (Judl)

Copy to:-

1. The Secretary to the Government, Department of Posts, New Delhi.
2. The Chief Postmaster General, Hyderabad.
3. The Postmaster General, Visakhapatnam.
4. Senior Superintendent of Post Offices, Amalapuram.
5. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT, Hyd.
6. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare.

kku.

P.S. Hanumant Rao
 10/3/95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE M. NEEFADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M(ADMN)

DATED 21-2-1995.

ORDER/JUDGMENT:

M.A./R.A./C.A.NO.

O.A. No.

C.A. NO.

632/95

W.P.

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

NO. 5/2000
Copy

