

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 686/92.

Dt. of Order: 28-1-94.

M. Hanumanth Rao

...Applicant

Vs.

1. The Superintending of Post Offices,
Nalgonda Division, Nalgonda.

2. The Chief Post Master General,
AP Circle, Abids, Hyd.

...Respondents

* * *

Counsel for the Applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents : Shri N.V. Raghava Reddy,
Addl. CGSC

* * *

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

* * *

...2.

15/10/94

O.A.No.686/92.

Date: 28.1.1994

J U D G M E N T

[as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

Postal Assistant
The applicant ~~is Postal Assistant~~ joined the service with effect from 14.8.1968. He became due for next promotion to the cadre of L.S.G. under TBOP (Time Bound one promotion) Scheme after completion of 16 years of service on 14.8.1984. The said promotion is given to the applicant after the approval by the competent authority viz. Post Master General, Andhra Pradesh Circle, Hyderabad. vide His name was cleared for promotion to higher grade of Rs.425-640 (pre-revised) by the P.M.G., A.P.Circle, Hyderabad vide letter dt. 24.9.1984 subject to the condition that he is not undergoing any punishment. ^{on that date} He was not promoted ^{on the} ~~ground that he was~~ undergoing punishment. The applicant had filed an appeal for ~~new~~ consideration of his promotion and that the same was rejected by the impugned order dt. 5.2.1992. This O.A. is filed for setting aside the impugned order passed by the 1st respondent vide proceedings bearing No. B12-49 dt. 5.2.1992x and for a consequential direction to the said respondent to promote him to the Time Bound scale ^(425-640 pre revised) of Rs.1400-40-2100, from the date his next juniors were promoted with all consequential benefits.

2. The main contentions of the respondents are that the applicant was not discharging his duties regularly and for that he had been awarded ~~with~~ punishment earlier. It is also contended that the applicant is undergoing punishment and hence he is not entitled for promotion.

...3/-

(Signature)

3. At the time of hearing Sri N.V.Raghava Reddy, learned counsel for the respondents submitted a typed copy of chronological events that took place in TBOP in respect of Sri M.Hanumantha Rao. As per the said document, the applicant was appointed on 14.8.1968 and he had completed 16 years of service by 14.8.1984. As per the TBOP promotion rules, he was entitled for promotion to higher grade on completion of 16 years of service on 14.8.1984. The said note also states that the promotion of the applicant under TBOP scheme had been cleared upto 31.3.1985 as per proceedings dt. 24.9.1984 by the P.M.G., A.P.Circle. As regards punishment, it is seen from the note that one increment was withheld for the applicant with effect from 1.10.1984 vide memo dt. 15.9.1984. The disciplinary action taken against the applicant is much later than 14.8.1984. The note also clearly states that as on the date of completion of 16 years of service by the applicant, i.e. as on 14.8.1984 he was not undergoing any punishment and that no charge was pending against him.

4. In a similar O.A. bearing O.A.No.379/92 this Tribunal, where both of us were parties to the proceedings, we held that if an employee is not undergoing punishment as on the date the time bound promotion falls due and he is cleared for promotion, his promotion cannot be withheld even if he was issued with charge-sheet and punishment later to that date. The punishment, if any will ^{have to} be implemented in the promoted cadre.

Copy to:-

1. The Superintending of Post Offices, Nalagonda Division, Nalagonda.
2. The Chief Post Master General, A.P.Circle, Abids, Hyd.
3. One copy to Sri. S.Rama Krishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-


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5. As the applicant ^{was} ~~is~~ free of any punishment and ^{was} no charge-sheet ~~is~~ also pending against him on the crucial date viz. 14.8.1984 when he had completed 16 years of service and ^{he was} due for Time Bound ~~one~~ promotion as on that date, the present case is covered squarely by the decision in O.A.No.379/92. Hence, we give the following directions.

- (i) As the Departmental Promotion Committee had already cleared the applicant for promotion and the same had also been approved by the P.M.G., A.P.Circle, Hyderabad vide his proceedings No.ST/6-1/84-85/II dt. 24.9.1984 for Time Bound one promotion due on 14.8.1984, and as the applicant was neither undergoing any punishment on that date nor any charge-sheet was pending against him, he had to be promoted with effect from 14.8.1984 as per the Time Bound one promotion (TBOP) Scheme. Subsequent punishments, if any, had to be implemented in the promoted cadre.
- (ii) The arrears on that basis ^{have} ~~has~~ to be paid within three months from the date of receipt of the copy of the judgment.

6. The O.A. is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

th
Dated 28 January, 1994.

Grh.

Dy. Registrar (J. & C.)
Prin. Secy. (J. & C.)

Contd. 5/-

OA 686/92

TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 22/1/1994

ORDER/JUDGMENT: ✓

M.A./R.A/C.A.No.

O.A.No.

686/92

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

