

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.453/93

Date of Order: 24.8.93

P.Ramaiah

.. Applicant

Vs.

1. Union of India, represented by the Secretary,
Ministry of Communications, New Delhi.

2. Director of Postal Services, Eastern Region,
Visavada.

3. Senior Superintendent of Post Offices,
Nellore Division, Nellore.

4. Sri C.Poorna Chandra Rao, Formerly Senior
Superintendent of Post Offices, Nellore Division
(Nellore) presently working as Senior Superintendent
of Post Offices, Secunderabad Division,
Secunderabad.

.. Respondents

Counsel for the Applicant : Mr.S.Rama Krishna Rao

Counsel for the Respondents : Mr.N.R.Devaraj

CORAM:

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

THE HON'BLE MR.T.CHANDRASEKHARA REDDY : MEMBER (JUDE)

BAK

JB

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.)

The applicant who was working as Assistant Post Master (Accounts) Nellore, Head Post Office was served with a charge memo for the imposition of minor penalty under Rule 16 of CCS (CCA) Rules, 1965^{and} was awarded the minor penalty of reducing the pay by seven stages in the scale of Rs.1600-2660 for a period of one year without cumulative effect.

2. The prayer of the applicant is that a direction be issued to the respondents to permit the applicant to appear for PSS Group-B Examination for the year 1993 without any reference to the penalty imposed upon him.

3. While considering MA No.415/93 this Tribunal passed Interim Order directing the respondents to allow the applicant to appear for the PSS Group-B examination provided he was eligible in all other respects to appear for the said examination. The examination is scheduled to be held in September 1993. As already referred to in the Interim Order passed by us in MA No.415/93, the relevant departmental instruction clearly indicates that the suitability of the officer for promotion should be assessed by the competent authority as and when necessity arises for such assessment. In assessing the suitability the competent authority will take into account the circumstances.

✓

200 P.D.

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi.
2. Director of Postal Services, Eastern Region, O/o Post Master General, Vijayawada.
3. Senior Superintendent of Post Offices, Nellore Division, Nellore.
4. One copy to Sri. Rama KrishnaRao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

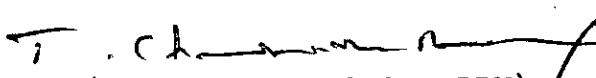
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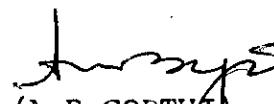


stances leading to the imposition of the penalty and the general service record of the officer. Even where the competent authority considers that, in spite of the penalty, the officer is suitable for promotion, the officer should not be promoted during the currency of the penalty.

4. That the officer's promotion can be withheld during the currency of the penalty is now well settled in view of the judgement of the Hon'ble Supreme Court in Union of India Vs. K.V. Janaki Raman, AIR 1991, Supreme Court 2010.

5. In view of the above and in view of the Interim order already passed by us, we dispose of this application with a direction to the Respondents that the question of granting or non-granting promotion to the applicant will be examined by the respondents in accordance with the extant rules and taking into consideration, the result of the examination which he is allowed to take. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (J)

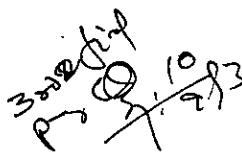

(A.B. GORTHI)
Member (A)

Date: 24th August, 1993
Dictated in Open Court.

ad


D.Y. Registrar (Officer)

Con TD. 4/-


30/8/93

OA-453/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT 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 (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 24/8/1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N.

in
453/93.

O.A. NO.

P.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.

