

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 535/93.

Dt. of Decision : 14-03-95.

1. C. Somalingam
2. B. Murali Krishna
3. SS Nagarjunudu
4. M. Buchi Babu
5. C. Subba Rao
6. K. Satyanarayana
7. Md. Nazgeruddin
8. S. Bhimasankaram
9. Subhas Inamdar

.. Applicants

Vs

1. Union of India, rep. by
its Director General,
Dept. of Posts, New Delhi.
2. The Chief Post Master General,
AP Circle, Hyderabad.
3. A. Uma Maheshwara Rao
4. M.A. Azam
5. Mustafali

.. Respondents.

Counsel for the Applicants : Mr. K.S.R. Anjaneyulu

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

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

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

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JUDGMENT

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

Heard Sri K.S.R.Anjaneyulu, learned counsel for the applicants and Sri N.V.Ramana, learned Standing Counsel for the respondents.

2. There are nine (9) applicants in this OA and all of them are working as LSG Head Clerks (re-designated as Supervisors) in the Savings Bank Control and Internal Check organisation (for short SBC/ICO) under Respondent No.2. Initially they were recruited as direct UDCs in the SBC/ ^{appointed even} ICO. Some of them were prior to 1971.

3. The Time Bound one promotion scheme was introduced to LDCs/UDCs working in SBC/ICO with effect from 1-8-1991. Paras-1(ii) to (vi) of the letter No.20-2/88-PE.I dated ²⁰⁻²⁻¹⁹⁹¹ contains the instructions for the above said time-bound one promotion scheme in SBC/ICO organisation Department of Posts. The same are reproduced below:-

1. (ii) The posts of LDC (Rs.950-1500) and UDC (Rs.1200-2040) in the Savings Bank Control Organisation and Internal Check Organisation except to the extent LDC/UDCs who remain under the existing scale will be abolished and equal number of time scale Postal Assistants (Rs.975-1660) will be created. The remaining posts will, however, be converted as Postal Assistants (SBCO) as and when the concerned LDC/UDC ceases to hold that post. All the existing LDCs/UDCs will be required to furnish, within one month, their option under FR.23 according to which they may, if so like retain their old pay in the existing scale of pay which would be personal to such officials. The option once exercised will be final.
- (iii) On replacement of the LDCs and UDCs by Time Scale Postal Assistants (SBCO), the existing duties of the LDC/UDC will be performed by the Time Scale Postal Assistants (SBCO) and the senior officials would be required to perform the duties at present entrusted to UDCs.

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(iv) The officials who do not opt for their old scales, will be brought into the grade of Postal Assistants (SBCO) and their pay will be fixed under FR.22(a)(2) as substituted by Government of India, Department of Personnel and Training Notification No.1-10/89-Estt. (Pay-I) dated 30.8.1989 by treating the posts in the Time Scale as not involving assumption of higher duties and responsibilities.

(v) A reduction of 5% in the operative posts of Postal Assistants (SBCO) and 15% in the first line supervisory (LSG) posts sanctioned on the basis of norms and out of the norms respectively in SBCOs circle as a whole will be effected from the date, the conversion is implemented.

(vi) The existing officials who do not opt for old scales would be considered for grant of first promotion in the next higher scale of Rs.1400-2300 if they complete/have completed 16 years of service as LDC or as LDC and UDC or as Postal Assistant and UDC taken together. Their pay on grant of promotion will be fixed under FR-22(c) with reference to the pay fixed in the Time-scale.

4. It is evident from the above that with effect from 1.8.1991, the UDCs in this organisation in the pay scale of Rs.1200-2040 were brought down as Postal Assistants in the scale of Rs.975-1600 if they have not opted to continue as UDCs. The Postal Assistants were eligible for promotion on completion of 16 years of service as LDC or LDC and UDC or as Postal Assistant and UDC taken together. In view of the said proviso the erstwhile LDCs who have completed 16 years of service were promoted while the directly recruited UDCs who had not completed 16 years of service as referred to in para-1(v) of the letter d were not promoted. R-3 to R-5 who are all the Juniors to the applicants and who are seniors to the applicants and who are given promotion to HSG.II super who are seniors and have been

To

1. The Director General, Dept.of Posts, New Delhi.
2. The Chief Postmaster General, A.P.Circle,
Hyderabad.
3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CA¹.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library CAT.Hyd.
6. One spare copy.

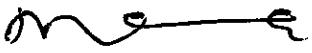
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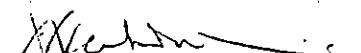
5. This OA is filed praying for a declaration that the executive instructions as per letter dt. 26.7.1991 as arbitrary and repugnant to the statutory rules framed under Article 309 of the Constitution and for a consequential direction to the respondents to consider and promote the applicants to the cadre of HSG-II in the pay scale of Rs.1600-2660 giving them due seniority above the Respondents No.3 to 5 and for a further direction to grant them all consequential benefits.

6. The applicants herein are similarly situated as the applicants in OA 928/91 decided on 31.3.1994 on the file of this Bench. In view of this, we see no reason to differ from the judgment given in the above said OA. We follow the same judgment and give the following directions:-

The applicants and other similarly situated employees in SBC/ICO have to be given promotion from the date their respective juniors were promoted as per ~~time bound~~ ^{BCP} promotion scheme introduced in terms of D.G., P&T's letter bearing No.20-2/88-BE.I dt. 26.7.1991. The applicants have to be given monetary benefits from the dates of their respective promotions as per this order. Time for implementing the order is three months from the date of receipt of this order.

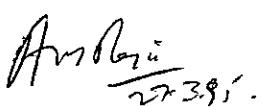
7. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Dated 14th March, 1995.

Grh.


Amritan
27.3.95.
Deputy Registrar (SAC)

TYPED BY

CHECKED BY

COMPARED 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.R.RANGARAJAN: M(ADMN)

DATED - 14 - 3 1995.

ORDER/JUDGMENT:

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

O. A. No. 535 ⁱⁿ 93

T. A. No. (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.

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