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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.976/94.

Date of order : 6.5.1997.

Between

G.Padmanabha Rao

... Applicant

And

1. Chief Postmaster-General,  
Andhra Pradesh Circle,  
Hyderabad-500001.

2. Asst. Director,  
O/o Director of Postal  
Services, A.P.N.E.R.,  
Visakhapatnam-20.

... Respondents

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Counsel for the Applicant ... Mrs. P.Balarani

Counsel for the Respondents.. Shri V.Bhimanna, Addl. CGSC

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C O R A M

Hon'ble Shri R.Rangarajan : Member(A)

Hon'ble Shri B.S.Jai Parameshwar : Member(J)

Order

[Per Hon'ble Shri B.S.Jai Parameshwar : Member(J)]

The applicant in this O.A. has prayed for the following reliefs:-

(1) Restoration of his due promotion to LSG cadre w.e.f. 30.11.83 and restoring his seniority accordingly in pursuance of the orders dated 25.8.88.

(2) Drawal of pay and allowances in LSG cadre from 30.11.83.

2. The case of the applicant is that he had completed 16 years of continuous service in the cadre of Sorting Assistant, R.M.S 'V' Division by 3.11.83, that he was due to get promotion to LSG (OTF) w.e.f. 30.11.83 in accordance with the letter of the Directorate dated 17.12.83, that he was informed vide P.M.G. Hyderabad letter dated 3.1.85 that the D.P.C. did not find him fit for promotion based on some/alleged adverse remarks in the C.Rs,

that he was not given reasons for his unfitness, that his promotion was given w.e.f. 6.11.85 vide P.M.G. Hyderabad letter No.ST/10-1/85-86 dated 18.11.85 instead of from 30.11.83 that he suffered for two years and during that period most of his juniors were promoted, that he was constrained to file O.A.No.42/86 and that the said O.A. was decided with the following direction:-

"That the DPC should consider the case of the applicant afresh ignoring the adverse remarks. The DPC will do so within a period of two months from the date of receipt of this order. In the event of DPC declaring the applicant fit for promotion, he will be entitled to promotion from the date his junior was promoted."

3. In accordance with the direction issued by the Tribunal he was promoted to LSG w.e.f. 6.11.84 and that the respondents have not followed the direction given in O.A.No.42/86.

4. The respondents have filed a counter stating that the case of the applicant was considered by the D.P.C. held at Circle level during July, 1985 for promotion to the cadre of LSG under TBOP w.e.f. 6.11.85 instead of from 30.11.83 vide Memo No.ST/10-1/85-86 dated 18.11.85 of the P.M.G. Hyderabad, that the applicant obtained direction in O.A.No.42/86, that the respondents have given details of the suspension and punishment imposed on the applicant from the year 1978-79 to 1982-83, that therefore it is submitted that the representation of the applicant against adverse remarks was pending was not correct, that the representation of the applicant against adverse remarks was finalised on 12.6.84 even before the D.P.C. was held during November, 1985, that on receipt of the copy of the judgement in O.A.No.42/86 special D.P.C. was convened on 29.9.88 and considered the case of the applicant for promotion to LSG under TBOP w.e.f. 30.11.83, that the D.P.C. at the Divisional level


after taking into consideration the C.Rs and other relevant records of the applicant as on 30.11.83 and the direction of the Tribunal dated 12.8.88, decided that the applicant was not fit for promotion w.e.f. 30.11.83, that after taking into consideration the service record of the applicant subsequent to 30.11.83, the D.P.C. found the applicant fit for promotion w.e.f. 6.11.84 and accordingly orders were issued promoting the official to LSG (TBOP) on 27.10.88, that on receipt of the above order the applicant issued a notice through his advocate for retrospective promotion w.e.f. 30.11.83, that in view of the adverse remarks the D.P.C. found the applicant not fit for promotion and that the representations against the adverse remarks prior to 30.11.83 have been confirmed and that the applicant is not entitled to promotion retrospectively from 30.11.83.

4A. Heard the learned Counsel for the parties.

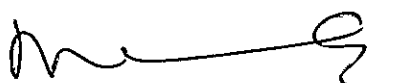
5. It is an admitted fact that there were certain adverse remarks in the C.Rs of the applicant for the year 1980-81 and those adverse remarks were challenged. Adverse remarks for the years 1980-81, 1981-82 and 1982-83 were expunged in view of the direction given by this Bench in O.A.No.42/86. Hence out of the 5 C.Rs considered for promotion, in 2 C.Rs there were adverse remarks and on that basis he was not considered fit for promotion under TBOP w.e.f. 30.11.83. However, on 6.11.84 the earliest C.R. was deleted and the <sup>latest C.R.</sup> ~~earlier one~~ ~~earlier one~~ was added for consideration for promotion and on that basis he was found fit for promotion under TBOP as on 6.11.84 and accordingly he was promoted from that date. Hence we find that there is no irregularity committed by the respondents in considering the relevant C.Rs of the applicant for his promotion under the said scheme. Just because he was promoted w.e.f. 6.11.84 it does not mean that he should be promoted from 30.11.83 also. The C.Rs considered as on 30.11.83 and as on 6.11.84 are different. Though the applicant submits

that the censure is not a bar for promotion it is not the censure that only resulted in his non-promotion but also the adverse remarks in the C.Rs for the years 1979-80 and 1980-81. In that view the applicant cannot have any grievance.


6. In view of what is stated above we find ~~that there is~~ no merit in this O.A. Hence the O.A. is dismissed as having no merits. No costs.

  
( B.S. Jai Parameshwar )  
Member (J).

6/5/97

  
( R. Rangarajan )  
Member (A).

Dated: 6.5.1997.  
Dictated in Open Court.

  
D.R. (Judge)

br.

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TYPED BY  
COMPARED BY

(9)  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. NGIRAJAN : M(A)

AND

THE HON'BLE SHRI S.S. JAI PRAMESHWAR:  
M(J)

DATED: 6/5/97

ORDER/JUDGEMENT

R.A./G.P./M.A. No.

in

O.A. No.

976/94

ADMITTED INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS

YLKR

II COURT

