

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:AT HYDERABAD.

O.A. 256/94.

Dt. of Decision : 13.4.1994.

M. Narasimham

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Mahabubnagar Division, Mahabubnagar.
2. The Director of Postal Services,
Hyderabad Region, Hyderabad.
3. The Postmaster General,
Hyderabad Region, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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DA 256/94.

Dt. of Order: 13-4-94.

(Order of the Divn. Bench passed by
Hon'ble Shri A.B.Gorthi, Member (A)).

* * *

The relief claimed by the applicant is for a direction to the respondents to constitute a review Departmental Promotion Committee to consider his fitness ^{as} for promotion and, if ^{he} found fit, to give him second time bound promotion with effect from 1-10-91.

2. Admittedly the applicant, who is a Postal Asst. became due to the second time bound promotion w.e.f. 1-10-91. In fact his name was considered by the Departmental Promotion Committee but he was not given promotion for the reason that the penalty imposed upon him was on currency.

3. The facts of the case disclose that the applicant was awarded a minor penalty of recovery of a sum of Rs.17,800/- from his pay and allowances. The penalty was imposed on 13-5-91 and the recoveries were to be made in monthly instalments.

4. In view of the few admitted facts as stated above it is apparent that a minor penalty was imposed on 13-5-91, i.e., well before the applicant became due to the second time bound promotion. The Respondents seem to have come to the conclusion that the penalty was in ^{because} currency merely, the recovery was being made by instalments.

1. The Superintendent of Post Offices, Mahabubnagar Division, Mahabubnagar.
2. The Director of Postal Services, Hyderabad Region, Hyd.
3. The Postmaster General, Hyderabad Region, Hyd.
4. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to -
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

In any case the applicant was again considered for promotion in 1992 and was in fact promoted w.e.f.

1-7-92. At that time also the monthly deductions from the pay and allowances of the applicant were being made ~~and~~ towards the penalty of recovery. Under these circumstances we do not find any justification as to why the Departmental Promotion Committee that met on

23-12-91 did not give ~~this~~ finding as to the suitability

~~and~~ otherwise of the applicant for promotion. This

instead of merely recording that the applicant's case was not cleared because of the currency of the penalty. Consequently we allow the application and direct the Respondents to constitute the review D.P.C. to consider the applicant's case for promotion to the post of HSG II w.e.f. 1-10-91. It is needless for us to say that if he is found suitable by the review D.P.C., he will be entitled for promotion w.e.f.

1-10-91 with all consequential benefits.

5. There will be no order as to costs.

T. Chandrasekhar Reddy
(T. CHANDRASEKHAR REDDY)
Member (J)

A. B. Gorthi
(A. B. GORTHI)
Member (A)

Dt. 13th April, 1994.
Dictated in Open Court.

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Dy. Registrar (Jud.)

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OA 256/94

TYPED BY

COMPARED

CHECKED BY

APPR

SY

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.GORTHI : MEMBER(AD)
AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

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

Dated: 13/4/ -1994

ORDER/JUDGMENT

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

O.A.No.

256/94

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.

pvm