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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.421 of 1994.

Between

Dated: 28.12.1995.

1. B.Satyanarayana.
2. S.Prabhakaram.
3. A.Rama Rao.
4. V.Appa Rao.

... Applicants

And

1. The Chief Post Master General, Andhra Circle, Abids, Hyderabad
2. The Post Master General, Visakhapatnam Region, Visakhapatnam.
3. The Super-
Vizianagaram District. Offices, Vizianagaram Division,
4. The Departmental Promotion Committee constitute under Biennial
Cadre Review for Vizianagaram Division rep. by its Director of
Postal Services, Visakhapatnam.
5. R.Bhaskara Rao.
6. K.Subba Rao-I.
7. S.Sanyasaiah.
8. B.Rajeswara Rao.
9. S.Satti Raju.
10. P.V.R.Gupta.
11. M. Uma Maheswara Rao.
12. K.Subba Rao-II
13. Ch. Ramu.
14. I. Rama Krishna Rao.
15. G.Suryanarayana.
16. A.Veera Raju.
17. B.Adinarayana.
18. S.V.S.Rama Murthy.

... Respondents

Counsel for the Applicants : Sri. P.Veera Reddy
Counsel for the Respondents : Sri. N.V.Raghava Reddy, Addl.

CORAM:

Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman
Hon'ble Mr. R.Rangarajan, Administrative Member.

Contd:...

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, V.C.)

Heard Sri P. Veera Reddy, learned counsel for the applicants and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. This OA was filed praying for direction to the respondents to promote the applicants to HSG.II under BCR Scheme with effect from 1-10-1991.

3. BCR Scheme lays down that all the Postal Assistants ~~have to be considered for promotion to HSG.II from 1-10-1991~~ from 1-10-1991 after they complete 26 years of service and if they are found suitable for promotion. All these four applicants completed 26 years of service on 1-10-1991.

The DPC which met in December, 1991 for consideration for promotion to HSG.II ^{as} on 1-10-1991 has not considered the cases of these four applicants on the ground that they are ^{as involved} identified ~~contributory~~ in Jarjapupeta Branch Office fraud case as can be seen from the record produced for the respondents today (returned after perusal).

4. The BCR Scheme further lays down that ^{there shall be} consideration ~~for~~ for promotion to HSG.II ^{for} those who completed 26 years of service by 1st July and 1st January commencing from 1-7-1992 ~~have to be considered~~. It also stipulates that those who are not found fit for promotion at the time of ~~of~~ consideration for earlier date have to be again considered as on 1st July or 1st January till they are promoted/retired. The records which are produced today disclose that the case of these four applicants were considered for promotion to HSG.II with effect from 1-7-1992 by adopting sealed cover procedure.

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5. Charge memo dated 17-7-1992 was issued as against the applicants 1 to 3 while charge memo dt.7-10-92 was issued to A-4. The inquiry in regard to Applicants 1-3 ^{were} over and some amount was ordered to be recovered from them by way of punishment. The inquiry in regard to fourth applicant is stated to be still pending.

6. There is force in the contention for the applicants that the DPC ^{was not justified in not} ~~had not~~ considered the case of the applicants for promotion ^{as} on 1-10-91 when chargememo were not even issued to them for the said contention is on the basis of judgement in Janakiraman ~~vs.~~ Union of India

(AIR 1991 SC 2010). Further, we have to ~~consider~~ ^{cover} procedure even for consideration for promotion as on 1-7-1992 is also not proper as the chargememo were issued later to 1-7-1992.

7. Hence, this OA has to be disposed of by giving the following direction:

i) Review DPC has to be convened for consideration of the case of the applicants for promotion to HSG.II under BCR Scheme, ~~published~~ as on 1-10-1991 in accordance with law.

ii) If all or any one of them, ^{is not going to be recommended} ~~was not~~ admitted for promotion to HSG.II on 1-10-1991, the sealed covers ^{containing} recommendation ^{have} ~~were~~ to be opened, and then they have to proceed on such recommendations.

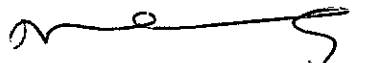
iii) As it is stated that the first applicant was promoted to HSG.II with effect from 1-7-93, his promotion has to be preponed to 1-10-1991/1-7-92 if he is going to be recommended for such promotion by Review DPC as on 1-10-91

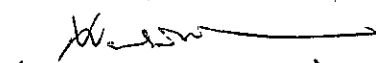
...3.

^{and if not}
~~for~~ as per sealed cover recommendation he has to be promoted with effect from 1-7-1992.

iv) In case of promotion to HSG.II, the applicants will be entitled to monetary benefits from the date of promotion and ^{they are also entitled to} ~~also~~ seniority ^{accordingly}.

8. The OA is ordered accordingly. No costs. //


 (R. Rangarajan)
 Member (Admn.)


 (V. Neeladri Rao)
 Vice Chairman

Dated : December 28, 95
 Dictated in Open Court


 Deputy Registrar(J)CC

- To sk.
1. The Chief Postmaster General, Andhra Circle, Abids, Hyderabad.
 2. The Postmaster General, Visakhapatnam Region, Visakhapatnam.
 3. The Superintendent of Post Offices, Vizianagaram Division, Vizianagaram Dist.
 4. The Director of Postal Services, Departmental Promotion Committee Constitute under Biennial Cadre Review for Vizianagaram Division, Vizianagaram.
 5. One copy to Mr.P.Veera Reddy, Advocate, 10-1-18/16 Shyamnagar, Hyderabad.
 6. One copy to Mr.N.V.Raghava Reddy, Addl. CGSC.CAT.Hyd.
 7. One copy to Library, CAT.Hyd.
 8. One spare copy.

pvm.

I COURT

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE VICE CHAIRMAN

AND

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

Dated: 28-12-1996

ORDER/JUDGMENT

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

in

O.A.No.

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

