

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

--
O.A.No.1536 of 1995
--

*ASXRRR

Date: June 27, 1996.

Between:

Ch.Prakash Rao Applicant.

Vs.

1.Post Master General,
Eastern Region,
Vijayawada.

2.Superintendent of Post
Offices, Gudivada. .. Respondents.

Counsel for the Applicant: Mrs. V. Padma.

Counsel for the Respondents: Ms. Shyama for Mr.K.Ramulu
for the respondents.

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE-CHAIRMAN. *hch*

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER (A) *g*

O.A.No.1536/95.

Date: June 27, 1996.

JUDGMENT:

(AS PER HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER(A))

The Applicant, an Assistant Post Master in Gudivada Head Post Office, is aggrieved that his promotion to HSG-II Cadre under Biennial Cadre Review (BCR) which was due on 1st October, 1991, was unfairly delayed and ~~was~~ deferred to take effect from 1st December, 1992.

2. Under the Biennial Cadre Review Scheme which came into effect from 1st October, 1991, all officials with 26 years of satisfactory service were to be promoted to the Higher Selection Grade -II of Group "C" appointments. The applicant, who entered the Department in 1960, completed the stipulated length of service ^{and} by 9th February, 1986, had, therefore, become entitled to be considered for promotion under the Biennial Cadre Review Scheme from the date of its commencement. It is revealed that a punishment of stoppage of ^{one} increment ^{for} for a period of six months was imposed on the applicant on 27th November, 1991. The due date of the applicant's next increment was 1st September, 1992. The effect of the punishment could therefore have ceased in the normal course only on 1st March, 1993. However, on appeal by the applicant, the punishment was reduced to stoppage of increment for only three months instead of the original period of six months, resulting in the said punishment



running its course on 1st December, 1992, itself.

3. The selection of officials to be promoted under BCR Scheme was made on 16th December, 1991. The Committee nevertheless did not recommend his promotion to HSG-II. The Committee is stated to have taken into consideration the overall service record of the applicant, and did not recommend his case for promotion owing to this very punishment that had been imposed on him earlier.

4. It is not the case of the respondents that the official was denied promotion due to his overall unsatisfactory service-record, because up to the date of the DPC meeting, there had been no impediment of any kind by way of any serious adverse remark in his C.Rs. On the other hand, it is specially mentioned by the respondents in their counter that the denial of promotion under the BCR Scheme was owing to the imposition of the minor penalty mentioned above. It was argued by Smt. V. Padma, learned counsel for the applicant, that no punishment was either in operation, or even under contemplation, as on 1st October, 1991, which was the date on which the BCR Scheme came into effect. There is considerable force in this argument.

5. The date of effect of BCR Scheme, as stated already, was 1st October, 1991, and all promotions under the Scheme were to take effect from the same date. The DPC which met several months later and ^{examined} ~~considered~~ the

Sr

records of the eligible officials, is stated to have scrutinised and taken note of the A.C.Rs. and Special Reports in formulating its recommendations. There was nothing wrong with the service record of the applicant on 1--10--1991 except a censure in the year, 1988-89, besides the stoppage of increment already referred to, which was an event subsequent to that date. Inasmuch as there was no punishment either under contemplation, or in operation, on the date of the applicant's entitlement for promotion viz., 1st October, 1991, it would be wrong to hold that a subsequent punishment imposed on him constituted a bar to his promotion which had become due at an earlier date.

6. In the light of the preceding discussion, we hold that the applicant, Sri Prakash Rao, was entitled to be promoted to HSG-II Cadre from October 1, 1991 i.e., the date of coming into effect of the BCR Scheme, and the action of the respondents in postponing the promotion to a later date is incorrect, and cannot therefore be sustained. We, therefore, direct that the date of promotion of the applicant shall be ordered to reckon from 1st October, 1991 and all consequential service as well as monetary benefits, such as he may become thereby entitled to, shall be restored/paid to him within ninety days from the date of receipt of this Order.

7. The O.A., is allowed. No costs.

Date: June 27, '96
Dictated in open
Court.

(H. RAJENDRA PRASAD)
MEMBER (A)

(M.G. CHAUDHARI, J.)
VICE-CHAIRMAN.

D.R. (5) CC.

(28)

-5-

O.A. 1536/95.

To

1. The Postmaster General,
Eastern Region, Vijayawada.
2. The Superintendent of Post Offices,
Gudivada.
3. One copy to Mrs. V. Padma, Advocate, CAT. Hyd.
4. One copy to Mr. K. Ramulu, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.
7. One copy to Member (A) CAT. Hyd. *Dr. H. Rajindran Prasad.*

pvm.

① 27/7/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 27-6-1996

~~ORDER~~/JUDGMENT

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

in

O.A.No. 585/96

1536/95

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.

pvm

