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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 204/95.

Dt. of Decision : 19-12-95.

Ch. Sudhakar Rao

.. Applicant.

Vs

Secunderabad Division,  
Begumpet, Hyderabad-16.

2. The Chief Postmaster General,  
AP Circle, Hyderabad, Abids,  
Hyderabad.

3. R. P. Veeranna

.. Respondents.

Counsel for the Applicant : Mr. R.K. Suri

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 (ADMIN.)

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OA.204/95

Judgement

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

Heard Sri R.K. Suri, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

and he completed 26 years of service in September, 93 and thus he was eligible for promotion with effect from 1-1-1994 under BCR Scheme. When the applicant was not promoted under BCR Scheme, this OA was filed praying for declaration that the action of the respondents in not promoting the applicant along with his juniors as per proceedings dated 12-10-94 of R-1 is illegal, unjust and for consequential direction to the respondents to promote the applicant to the higher scale with effect from 1-10-94, when his juniors were promoted.

3. The promotion under BCR Scheme is time bound promotion, if one is found suitable for promotion. Thus, when the applicant was due for promotion under BCR Scheme as on 1-1-1994 it is only the record that was available by 31-12-1993 or the date on which the DPC meets, whichever is earlier that had to be looked into for consideration for promotion under BCR Scheme. As there were no disciplinary proceedings against the applicant by 1-1-1994, it is not just and proper to adopt the sealed cover procedure in regard to the applicant even if disciplinary case was pending by the date DPC met. If any punishment by way of ~~withheld~~

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withholding of <sup>increments</sup> ~~punishment~~ or reduction in stages or in cadre is going to be ordered, the same has to be implemented in the promotional post.

4. It is not ~~further~~ evident from the reply statement as to whether the charge memo issued to the applicant was taken into consideration by the DPC which met on 22-8-1994.


5. So, it is just and proper to pass the following order :

The sealed cover in which the recommendation of DPC which met on 22-8-94 was placed ~~has~~ to be opened, and if as per that it was recommended that the applicant has to be promoted, the applicant has to be given promotion with effect from 1-1-1994. But if it is not so recommended, ~~Review DPC has to be convened and that DPC has to consider the case of the applicant on the basis of the records~~ available by 31-12-93 in accordance with law. It is needless to say that <sup>it</sup> the case of the applicant is not going to be recommended for promotion even ~~for~~ <sup>by</sup> such a Review DPC, the case of the applicant has to be considered by Review DPC for his promotion as on 1-1-1995, and thereafter if it is necessary till he is promoted on the basis of BCR Scheme for it is stated that the inquiry in pursuance of the charge memo that was issued on 23-6-1994 culminated by way of <sup>recovery of</sup> punishment by order dated 12-10-1995. The said order is assailed in OA.205/95. Ofcourse, if the applicant succeeds in the said OA whereby the order of punishment is <sup>going to be</sup> set aside, <sup>the case</sup> ~~because~~ of the applicant has ~~been~~

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considered for promotion as on 1-4-1995 also if promotion is not going to be given earlier.

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

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : December 19, 95  
Dictated in the Open Court

  
Deputy Registrar (J)CC

To Sr.

1. The/Superintendent of Post Offices,  
Secunderabad Division, Begumpet,
2. The Chief Postmaster General, A.P.Circle,  
Hyderabad Abids, Hyderabad.
3. One copy to Mr.R.K.Suri, Adfocate 16-11-741/C/A/13  
SBH Colony, Dilsukhnagar, Hyderabad.
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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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(A)

Dated: 19-12-1995

ORDER/JUDGMENT

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

In

O.A.No. 206/95.

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

