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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 331 OF 1995

DATE OF ORDER: 25th February, 1998

BETWEEN:

V.KONDAIAH

.. APPLICANT

AND

1. The Chief Postmaster General,

2. The Postmaster General,
Vijayawada Region, Vijayawada,

3. The Superintendent of Post Offices,
Tadepalligudem Division,
Tadepalligudem.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.K.BHASKAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Mr.K.Bhaskara Rao,
learned standing counsel for the respondents.

2. The Biennial Cadre Review Scheme (BCR Scheme) was introduced in the Postal Department with effect from 1.10.91 for the officials who had completed 26 years of qualifying service. By that scheme, the post of HSG II will be given to those officials who are found fit for

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promotion under the BCR scheme. The applicant joined as Postal Assistant in Vijayawada Postal Region on 17.7.62. He was promoted to LSG cadre on 30.11.83. He is due for promotion to HSG cadre with effect from 1.10.91. As per the BCR scheme, he had by then completed 26 years of service. It is stated that the applicant was not promoted under the BCR scheme with effect from 1.10.91. His representation to that effect was also rejected.

3. This OA is filed praying for a direction to the respondents to promote the applicant from 1.10.91 as he had ~~submitted an~~ adverse remarks as on 7.7.88 with all consequential benefits.

4. The applicant was promoted later with effect from 1.1.94. By this application, the applicant requests for early promotion with effect from 1.10.91.

5. In the reply, it is stated that the case of the applicant was considered along with the others for promotion. But he could not be promoted as he was not found fit for promotion under the BCR scheme with effect from 1.10.91. He represented against that decision which was also disposed of by the letter dated 15.11.94.

6. In order to verify the statement of the respondents, we have called for the selection proceedings by which the applicant was considered for promotion with effect from 1.10.91. Today, the DPC proceedings held on 17.12.91 were produced. In those proceedings, it is stated


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that the name of the applicant was not recommended for promotion under the BCR scheme with effect from 1.10.91. When we asked for assessment sheet in arriving at the above decision, the learned standing counsel for the respondents submitted that he is not in a position to produce the assessment sheet. Hence in the absence of the assessment sheet the decision taken ^{cannot be reviewed} conclusively ~~prove~~ that the applicant's case was rejected on account of unsuitability. Hence we are of the opinion that a review DPC for promotion of the applicant with effect from 1.10.91 should be undertaken now and on the basis of the recommendations of the review DPC, the case of the applicant should be decided for promotion under the BCR scheme with effect from 1.10.91. The learned counsel for the respondents submitted that there is no other alternative except to hold a Review DPC as indicated above.

6. In view of the above, R-2 should constitute a review DPC for considering the case of the applicant for promotion under the BCR scheme with effect from 1.10.91 and on the basis of the recommendations of the review DPC, the case of the applicant should be decided for his fitness for promotion with effect from 1.10.91 or otherwise.

7. Time for compliance is two months from the date of receipt of a copy of this order.

8. The OA is ordered accordingly. No order as to costs. (The DPC proceedings were perused and returned back).


 (B.S. JAI PARAMESHWAR)
 MEMBER (JUDL.)
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 (R. RANGARAJAN)
 MEMBER (ADMN.)
R.R.

DATED: 25th February, 1998
 Dictated in the open court.

G.A. No. 17/3/98

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

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

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 25/2/98

ORDER/JUDGMENT

M. A. / R. A. / C. A. NO.

in

G. A. NO. 331/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दोषण / DESPATCH
- 5 MAR 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH