

(114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.478/1995.  
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Date of decision: 24th November, 1997.

Between:

M. Mohanrao.

.. Applicant.

Vs.

1. The Union of India represented by the Secretary, Department of Posts, Dak Bhavan, New Delhi/110 001.
2. The Postmaster General, Vijayawada Region, Vijayawada - 520 002.
3. The Chief Postmaster General, A.P.Circle, Hyderabad - 500 001.
4. Shri S. Brahmanandam, Chief Postmaster General, Tamilnadu Circle, Madras - 600 002 Respondents.

Counsel for the applicant: Sri T.V.S.S.Murthy.

Counsel for the respondents: Sri N.R.Devraj.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R.Rangarajan, Member (A))

Heard Sri T.V.S.S.Murthy, learned counsel for the applicant and Sri N.R.Devraj, learned counsel for the respondents.

The applicant in this O.A., while working as Postal Assistant, his case had come up for promotion under the TBOP Scheme. The Departmental Committee

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considered him for promotion against the cadre of LSG in the scale of pay of Rs.1400-2300. The Scheme of TBOP for staff working CO/RO was introduced with effect from 25-6-1993 as per <sup>the</sup> Directorate General, Posts, New Delhi letter No. 4-12/88-OE.I(PL) dated 22.7.1993. The DPC has not recommended the applicant for promotion under the said Scheme as evidenced from the Proceedings of the DPC. In this review, the confidential reports of the applicant from 1988-89 to 1992-93 were examined. The Committee does not give him the grading suitably in any of the headings such as "Outstanding", "Very Good", "Good" or "Average." In 1988-89 and 1989-90 the Committee has ticked off in the review sheets. The review sheet indicates that in 1990-91 the applicant was given a punishment of <sup>postponment</sup> of increment for a period of three months without cumulative effect. In 1991-92 he has been <sup>awarded</sup> ~~given~~ censure. For the years 1990-91, 91-92 and 1992-93 no grading has been indicated in his confidential reports. There is a remark signed by some officer in the review sheet wherein it is shown that the official at Sl.No.54 is not recommended and the rest are <sup>re</sup>commended. If so, the applicant who is at Sl.No.53 is deemed to have been recommended. But no definite meaning could be assigned <sup>to</sup> ~~from~~ this remark.

Another DPC met on 17--10--1994 for promoting persons under the <sup>TBOP</sup>~~DFOP~~ Scheme who have completed 16 years of Service in the year, 1994. That DPC also did not

recommend the applicant. The review sheets of the 1991-1992 proceedings indicate the same remarks for 1990-91/1992-93 and 93-94. In the remarks column for those years

the applicant was shown as censured. The Committee

had put a Tick Mark for these years as stated earlier, which would not convey <sup>any</sup> definite meaning. Hence we cannot

come to conclusion whether or not the case of the

applicant was recommended for promotion from the

Proceedings of the DPC. The applicant was once

again considered for promotion <sup>under</sup>~~against~~ that scheme by

the DPC which met on 16-8-1995, for the period 1-4-95

to 30-3-1996. In the Proceedings, the applicant had been

given the grading "Good" in all the years from 1990-91

to 94-95. Even in those columns the applicant had been

shown <sup>as</sup> censured, he had been termed as "Good" and he was recommended for promotion.

The applicant now submits that Respondent No.4 is biased towards him and hence he was put down and he was also not recommended for promotion during the earlier years.

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The applicant also submits that he was promoted by the last DPC considering the same confidential reports and hence his non-recommendation by the earlier <sup>DPC</sup> to the last DPC., is not warranted.

This O.A., is filed for a direction to Respondent No.3 to convene a review DPC., to reconsider the case of the applicant's promotion under the TBOP Scheme and to direct Respondent No.3 to reconsider his case for promotion with retrospective effect from 26-6-1993 with all consequential service and monetary benefits.

The proceedings of the D.P.C., ~~as held~~ on the first occasion on 22-12-93 and <sup>on</sup> 17-10-1994 as indicated above are very vague. The meaning for the <sup>signs</sup> ~~signs~~ (Tick) in the review sheets of the DPC., do not convey any meaning Further, in our opinion the DPC., has not assessed the merit of the applicant for promotion under TBOP Scheme properly. Hence the Proceedings of these two D.P.Cs., <sup>Pros., of</sup> have to be reviewed. In the DPC., held on 16.8.1995 the D.P.C., graded the application as "Good" in all the years and recommended his case irrespective of the fact that the punishment <sup>of Censure</sup> given to him during the year, 1991-92 and 1992-93 were taken note of by the D.P.C.

In view of the above, we are of the opinion that  
that the proceedings of the 2 DPCs. <sup>D/22-12-1993 and 17-10-1994</sup> need review.

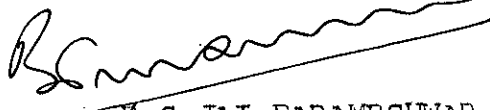
We do not consider it necessary to go into the  
question of bias of Respondent No.4 <sup>towards</sup> against the applicant  
at this juncture as we are giving a direction to  
review the D.P.C., proceedings held on 23-12-1993 and  
17--10--1994.

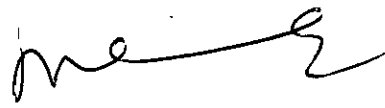
In view of what is stated above, the  
following directions are given:

- i) A review DPC., should be constituted to  
review the proceedings for promotion  
of the application <sup>nt</sup> under the ~~TBPP~~ Scheme  
held on 23-12-1993 and 17-10-1994. <sup>respectively,</sup>
- ii) If the review DPC., <sup>finds</sup> found the applicant  
fit for promotion, he should be deemed  
to have been promoted from the earlier  
date i.e., 26-6-1993
- iii) The applicant is also entitled, if he  
is promoted on the basis of the recommendations  
of the <sup>Review</sup> DPC., to all consequential benefits  
arising out of the earlier promotion

iv) Time for compliance two months from the  
date of receipt of a copy of this judgment.

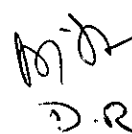
The O.A., is disposed of with the above  
directions. No costs.

  
H.S. JAI PARAMESHWAR  
MEMBER (J)  
24.11.97

  
R. RANGARAJAN,  
MEMBER (A)

Date: 24--11--1997.

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Dictated in open Court.

  
D.R

SSS.

Copy to:

1. The Union of India rep. by  
the Secretary, Department of Posts, Dak Bhavan,  
New Delhi- 110 001.
2. The Postmaster General, Vijayawada Region,  
Vijayawada- 520 002.
3. The Chief Postmaster General, A.P.Circle,  
Hyderabad- 500 001.
4. Sri.S.Brahmanandam, Chief Postmaster General,  
Tamilnadu Circle, Madras- 600 002.
5. One copy to Mr.T.V.V.S.Murthy, Advocate, C.A.T. Hyderabad.
6. One copy to Mr.N.R.Devaraj, Sr.CGSC, C.A.T. Hyderabad.
7. One copy to D.R.(Admn), C.A.T. Hyderabad.
8. One duplicate copy.

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C. K. P.  
5/12/97

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

AND

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

Dated: 24/11/97

ORDER/JUDGMENT

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

in

O.A.NO. 478/95

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

