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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

D.A.No.1100 OF 1996.

DATE OF ORDER:22-9-1998.

Between:

1. B.H.S.Jagannadha Rao.
2. G.Ch.Kotaiah.
3. V.Rama Koteswara Rao.
4. Revathi Bhaskar.
5. B.Srihari Prasad.
6. B.Venkanna.
7. R.S.R.Rajeshwara Rao.
8. K.Neeraja Nath.
9. P.Sree Ramachandra Murthy.
10. N.V.A.Subrahmanyam.
11. CH.Venkateswarlu.

.... Applicants

a n d

1. Union of India, represented by its Secretary, Department of Posts, New Delhi.
2. Chief Post Master General, A.P.Circle, Hyderabad-1.
3. Director of Accounts (Postal), Andhra Circle, Hyderabad.

..... Respondents

COUNSEL FOR THE APPLICANTS :: Mr.P.B.Vijaya Kumar

COUNSEL FOR THE RESPONDENTS:: Mr.V.Bhimanna

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

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

: ORDER :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.P.B.Vijaya Kumar for the Applicant
and Mr.V.Bhimanna for the Respondents.

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2. There are eleven(11) applicants in this OA. They were promoted as Assistant Accounts Officers (Group-'B' Gazetted) in the pay scale of Rs.2000-3200/- with effect from 29-1-1996 (Page.7, Annexure.A-II to the OA). They submit that these posts were available from 1-1-1995 and they became eligible on the crucial date i.e. 1-1-1995 for promotion to the post of Assistant Accounts Officers. Further they add that, even though they were working as Junior Accounts Officers till 29-1-1996, they were discharging the duties ~~as~~ ^{of} Assistant Accounts Officers as the duty list is more or less ~~the~~ ^{the} same and hence promoting them with effect from 1-1-1995 is not irregular. They submitted a representation on 23-2-1996 to Respondent No.2 in this connection and that representation was disposed of by saying that, in accordance with the provisions contained in O.M.No. 22011/5/86-Estt.(D), dated:10-4-1989 of DOP&T, the applicants are eligible only for the promotion with prospective effect.

3. This OA is filed praying for a direction to the respondents to promote the applicants with retrospective date i.e., with effect from 1-1-1995 with all consequential benefits by setting aside the impugned Proceedings No.259/Admn.I/EA.I/Representations/AAOs/96, dated:3-7-96 of the Respondent No.3.

4. A reply has been filed in this OA. The respondents ^{the fact} have not denied/that the applicants fulfilled the eligibility conditions as on 1-1-1995, when the post of Asst. Accounts Officers were reported to be vacant. It is also

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stated that this is a non-selection post. But the reasons stated in Para.4(i) and (ii) of the reply, the DPC could not be convened in time and that delayed the process of promoting the applicants and the applicants were promoted as per the recommendations of the DPC by Order dated:29-1-1996. The reasons given for not convening the DPC in time as given in the reply reads as follows:-

- i) Respondent No.1 has got vast jurisdiction spread all over India, most of the Officers are working under different Administrative Heads. It has become difficult to collect the CRs of the Officers in time. However, respondent No.1 has done satisfactory services in convening the D.P.C. in the year 1995-'96. This D.P.C. is delayed due to administrative reasons.
- ii) The other reason for delay in convening the D.P.C. is due to de-reservation of SC/ST points, which required lot of exercise to decide the issue by the SC/ST Cell of the Department. It is evident that non-convening of the D.P.C. in time is purely due to administrative exigencies beyond the control of the Department. It is evident that convening of D.P.C. is not delayed deliberately, but due to administrative exigencies.

5. From the above, it appears that the delay was due to the Departmental procedure. The applicants cannot be blamed for the delay. Hence, the/applicants may be re-considered by Respondent No.1 in regard to giving retrospective promotion to the applicants as on 1-1-1995 or at a subsequent date in accordance with the rules as the earlier representation was disposed of

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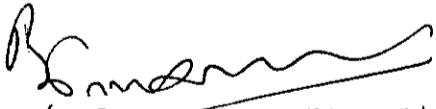
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rejecting their cases by Respondent No.2. In this connection, the applicants have enclosed a Judgment of the C.A.T., Principal Bench in N.K.ANAND AND ANOTHER Vs UNION OF INDIA AND OTHERS (reported in (1991)16 ATC 340) in OA.No.149 of 1987, wherein the respondents in that OA ^{were} directed to give retrospective promotion to some of the applicants ^{were} in that OA as delayed due to some Departmental procedure.

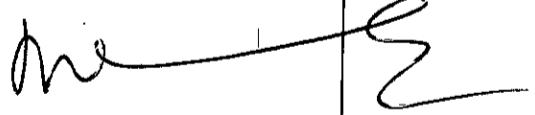
6. In view of what is stated above, Respondent No.1 should re-consider the cases of the applicants for retrospective promotions in accordance with Law taking due note of the contentions raised in this OA and also the observations made by us in the Judgment as above.

7. The views of Respondent No.1 on basis of the re-consideration should be informed to the applicants within a period of three months from the date of receipt of a copy of this Order.

8. The OA is ordered accordingly, No costs.


(B.S. JAI PARAMESHWAR)

22/9/98
MEMBER (JUDL)


(R. RANGABAJAN)

MEMBER (ADMN)

Dated: this the 22nd day of September, 1998
Dictated to steno in the Open Court

DSN


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Copy to:

1. The Secretary, Dept. of Posts, New Delhi.
2. Chief Postmaster General, A.P.Circle, Hyderabad.
3. Director of Accounts (Postal), Andhra Circle, Hyderabad.
4. One copy to Mr. P. B. Vijaya Kumar, Advocate, AT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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II COURT

TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.:

in
C.A.NO. 1100/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

Y LKR

