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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.496 of 1996

DATE OF ORDER: 18th August, 1998

BETWEEN:

HARILAL

.. APPLICANT

AND

1. The Director of Postal Services,
Hyderabad City Region,
Hyderabad,
2. The Chief Postmaster General,
A.P.Circle, Hyderabad.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr.N.V.RAGHAVA REDDY, 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 B.S.JAI PARAMESHWAR,
MEMBER (JUDL.)

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant herein was appointed as LDC in SB Control Organisation in the Postal Department on 19.11.77.

3. The applicant became eligible for promotion under TBOP scheme on completion of 16 years of service on 18.11.93.

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4. However, the applicant was served with a charge memorandum dated 25.4.93. The said charge memorandum ended in imposing a punishment of Censure on 1.10.93. It is submitted that a DPC was convened on 23.8.93/6.9.93 to consider the cases of PAs (SBCOs) for promotion to the next higher scale of pay under TBOP scheme. On those dates, the charge memo dated 25.4.93 was pending.

5. The applicant submits that on 18.11.93 when he completed 16 years of service, there was no charge memorandum or any currency of punishment. On 18.11.93 when the applicant completed 16 years of service on which date he was eligible to be considered for promotion under TBOP scheme, no charge sheet was pending and also no currency of punishment. However, his case was not considered because the recommendations of his promotion were kept in a sealed cover by the DPC which met on 23.8.93/6.9.93. Even though that DPC had recommended his case, his case was rejected in view of the fact that he was given punishment of Censure.

6. The applicant has filed this OA for a direction to the respondents to promote him under TBOP scheme without reference to the minor punishment of Censure and withholding of one increment for a period of 2 years, as he was eligible to be promoted as on 18.11.93 as envisaged in the TBOP scheme, duly constituting a review DPC for considering his case without being influenced by the subsequent events.

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7. The respondents have filed a reply. In the reply they have stated the events that have taken place subsequent to 19.11.93.

8. It is an admitted fact that as on 19.11.93 there was no charge sheet pending against the applicant and no punishment was current against him. The punishment of Censure elapsed immediately after the expiry of the date of the order but that can be recorded in his service register. On 18.11.93, the respondents should have considered his case for promotion under TBOP scheme by constituting a review DPC. There was no justification for the respondents to deny the promotion to the applicant under TBOP scheme on the grounds that punishment of Censure was inflicted on him on 1.10.93, that the review authority issued notice dated 13.5.94 to enhance the punishment and that the review authority in July 1994 by ~~enhancing~~ the punishment of Censure to that of withholding one increment for a period of two years without cumulative effect by its order dated 13.7.94.

9. Hence, we issue the following directions:-

(a) The respondents shall constitute a review DPC to consider the case of the applicant for promotion under TBOP scheme as on 18.11.93, the date on which the applicant completed 16 years of service;

(b) If the applicant is found eligible, he shall be promoted with all consequential benefits;

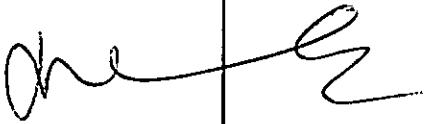
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(c) However this order shall not stand in the way of the respondents to enhance his punishment, if so advised, in the higher scale, after his promotion.

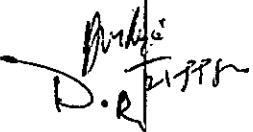
10. Time for compliance is three months from the date of receipt of a copy of this judgment.

11. The OA is ordered accordingly. No order as to costs.


(B.S. SAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)


DATED: 18th August, 1998
Dictated in the open court.


vsn

DA.496/96

Copy to :-

1. The Director of Postal Services, Hyderabad City Region, Hyderabad.
2. The Chief Postmaster General, A.P. Circle, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC., CAT., Hyderabad.
5. One copy to BSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 18/8/88

~~ORDINARY JUDGMENT~~

~~M.A/R.A/C.P.H.C.~~

in
C.A. NO. 496/88

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR.

