

(185)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Original Application No.543/96.

Dt. of Order:9-5-96.

Between :-

V.Eswara Rao

...Applicant

And

1. The Chief Postmaster General,  
AP Circle, Hyderabad.

2. The Sr. Supdt. of Post Offices,  
Eluru Division, Eluru.

...Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CCSC

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *hsc*

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

(Judgement of the Division Bench passed by Hon'ble  
Shri R.Rangarajan, Member (A) ).

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OA 543/96.

Dt. of Order: 9-5-96.

(Judgement of the Division Bench per Hon'ble  
Shri R.Rangarajan, Member (A) ).

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The applicant in this O.A. is working as Postal Assistant now. He joined as a Postal Assistant on 9-8-68, In terms of the letter of the Chief Post Master General Mr.No.St/2-3/Rlgs/V/TBOP dt.23-10-93 he is entitled for consideration for promotion to the post of HSG-II under BCR Scheme after completion of 26 years of service. The applicant submits that as per the ~~the~~ above scheme he is entitled for consideration to the post of HSG-II as on 1-1-95 and <sup>1-7-95.</sup> The applicant submits that he has been irregularly passed over ~~as~~ <sup>and</sup> ~~he~~ he has to be posted to the post of HSG-II under the said BCR Scheme as on 1-1-95 and 1-7-95.

2. He had been given two letters D.O.No.SSP-81 dt.20/31-5-93 and D.O.No.SSP-81 dt.6-4-95 indicating some of the deficiencies of the applicant. By impugned order No.B2/BCR/Genl/ dt.23.8.95 (Annexure A-I) he was informed that he was passed over for promotion under BCR scheme with effect from 1-1-95 ~~in~~ the DPC by the competent authority. Aggrieved by the above ~~he has filed~~ this O.A. challenging his passing over with effect from 1-7-95 and 1-1-96.

3. The learned counsel for the Respondents submits that the D.P.C. for 1-1-96 ~~is~~ not met so far. Hence it is not understood how the applicant came to know that he has been passed

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for consideration for BCR Scheme as on 1-1-96. In view of the submission of the learned standing counsel, the prayer for non consideration of his case as on 1.1.96 under the said scheme has to be dismissed. Hence the scrutiny of the selections held as on 1.1.95 and 1.7.95 has to be done to see whether his case was considered for that period and whether he was found fit for promotion under the said scheme with effect from those dates by the Selection Committee.

4. As per the BCR scheme, the authority who controls the cadre has to form a committee to assess the suitability of the officials who had completed 26 years of service for promotion to HSG - II under the said scheme. In the present case, the competent authority is respondent No.1 viz., the Chief Post Master General, AP Circle, Hyderabad and he has formed and intimated the Committee of Officers headed by the Director, Postal Services along with two other officers to conduct the review of eligible officials for consideration for promotion. The criteria for promotion under this scheme for those who have completed 26 years of service is "satisfactory service" during that period. The Committee had considered the service record especially the Confidential Record of the Officials including that of the applicant for the last five years.

5. The Committee had not considered the applicant fit for promotion under the scheme either with effect from 1-1-95 or with effect from 1-7-95 on the basis of the service records. The results of the DPC cannot be challenged unless malafides are

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attributed to the Committee or any irregularity has been brought to the notice of this Tribunal while considering the case for promotion. In this case no such record has been produced on the two occasions when the selection committee met and hence the challenge of the proceedings of the Committee is not tenable.

6. We have perused the Selection Committee proceedings and we find no procedural or other irregularities in regard to the proceedings. Hence the results of the proceedings have to be upheld.

7. The learned counsel for the applicant had submitted that he has been informed about his short comings by Lr.No.St/2-3/Rigs/V/TBOP dt.23-10-91 communicating the orders of Director General Rigs Lr.No.22-1/89-PE-I dt.11-10-91. He further submits that these are not fit remarks for passing over his case under the BCR Scheme. If the applicant is aggrieved by the intimation of his short comings due to some reason or other and on that basis if those remarks are to be expunged, a review can be conducted if these remarks are expunged. But the applicant having failed to challenge those remarks, cannot ask for consideration of his case without taking note of the short comings. On this ground also the applicant has no case to challenge the DPC proceedings.

8. In view of what is stated above, we feel that DPC proceedings have been done as per rules and there is no reason to strike down the proceedings.

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O.A.No.533/96.

Copy to:-

2. The Chief Postmaster General, A.P.Circle,  
Hyderabad.
2. The Sr. Supdt. of Post Offices,  
Eluru Division, Eluru.
3. One copy to Shri S. Ramakrishna Rao, Advocate,  
CAT, Hyderabad.
4. One copy to Mr. N. R. Devasaj, Sr. CGSC, CAT, Hyd.
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kku.

26/6/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD : M(A)

Dated: 9-5-1996

ORDER/JUDGMENT

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

O.A.No. 543/76

C.A.No.

(W.P.)

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

No Spare Copy

