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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.589/96.

Date of order : 5.7.1996.

Between

1. B.Chandrasekhar Rao
2. N.Srihari
3. Mohd. Jameel Ahmed Khan

.. Applicants

And

1. The Director-General, Posts,
Dak Sadan, Sansad Marg,
New Delhi-1.
2. The Chief Postmaster-General,
A.P.Circle,
Hyderabad.

.. Respondents

Counsel for the Applicants :: Shri S.Ramakrishna Rao

Counsel for the Respondents :: Shri V.Bhimanna,
Sr. CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member (A).

Judgement

(As per Hon'ble Shri Justice M.G.Chaudhari, Vice-Chairman)

The three applicants were working as Development Officers, Postal Life Insurance under the control of the Chief Postmaster-General, Hyderabad, by order dated 10.5.96 issued by the Chief Postmaster-General, They have been directed to be repatriated to their parent cadre (LSG P.A.) from the tenure post of DOs(PLI) consequent on their promotion to HSG-II cadre under BCR scheme with immediate effect. This order is challenged in this application. The applicants have prayed that the respondents be directed to continue them in the present post till they complete the tenure with all consequential benefits. It is stated that ordinarily they would be entitled to complete the tenure of 5 years.

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2. We were not able to appreciate as to how, when the applicants have been promoted to HSG-II cadre under BCR scheme, they were interested in remaining as DOs(PLI). The present scale of pay of the applicants as DOs(PLI) is Rs.1400-2300. The scale of HSG-II cadre under BCR scheme is Rs.1600-2600. The relief sought implies that the applicants do not desire to avail of the benefit of the promotion or the higher scale of pay and would be content in remaining as DOs(PLI) in the lower scale until the tenure period is over. Shri V.Bhimanna, Senior Standing Counsel states that under the present rules the tenure of DOs(PLI) is of 3 years and not 5 years as stated by the applicants. For our purpose it is sufficient to refer to tenure without specifying the length thereof which will be ^{governed by the present rule} ~~covered by subsequent rules~~. The peculiar relief sought by the applicants cannot be granted unless the respondents would be able to retain them as DOs(PLI) by cancelling their promotion to HSG-II cadre. That decision has to be taken administratively. We would therefore leave it open to the applicants to apply to the Chief Postmaster-General to allow them to continue as DOs(PLI) by cancelling their promotion to HSG-II cadre on condition that they will not claim any benefit either past or present in HSG-II cadre on the basis of the order on their promotion under BCR scheme. On such representation being filed, the Chief Postmaster-General, A.P.Circle, Hyderabad may take appropriate decision as per law and inform the applicants accordingly.

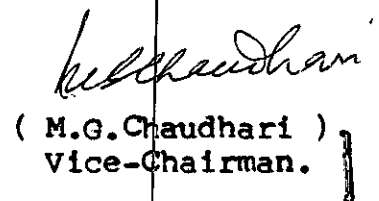
3. Shri S.Ramakrishna Rao, learned counsel for the applicants now states that the Applicant No.3 Shri Mohd. Jameel Ahmed Khan does not desire to forego the benefit of the promotion to HSG-II cadre under BCR scheme that has been given to him. Consequently no question of his filing any application to the Chief Postmaster-General

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survives and the application stands dismissed as withdrawn to the extent of Applicant No.3. The Applicants No.1 and 2 are given liberty to apply to the Chief Postmaster-General as indicated, if they are so advised, ~~to do~~ within a period of one month from today. The Chief Postmaster-General may take his decision thereon as early as may be practicable and by recording brief reasons in support of his decision. While taking his decision the Chief Postmaster-General will keep in mind the interim order that was passed on 23.5.96 and take his decision consistently there-with.

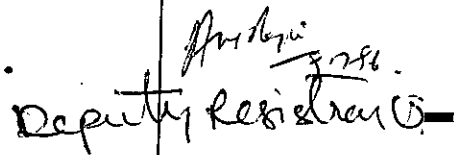
4. The O.A. is accordingly disposed of in terms of the above order.


(H. Rajendra Prasad)
Member(A)


(M.G. Chaudhari)
Vice-Chairman.

Dated: -7-1996.
Dictated in Open Court.

br.


Deputy Registrar

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O.A.589/96.

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To

1. The Director General, Posts,
Dak Sadan, Sansad Marg, New Delhi-1.
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.V.Bhimanna, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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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: 5-7-1996

ORDER/JUDGMENT

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

in

O.A.No. ~~595/96~~

589/96.

T.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

