

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

C.A.698/96.

Dt. of Decision : 30-09-98.

1. S.Sambaiah  
2. N.C.Punna Rao

..Applicants.

Vs

1. The Postmaster General,  
Hyderabad Region,  
Hyderabad.
2. The Director General, Dept. of  
Posts, New Delhi
3. The Union of India, rep. by the  
Secretary to the Dept. of Posts,  
New Delhi.
4. The Director of Accounts (Postal),  
A.P. Circle, Hyderabad.

..Respondents.

Counsel for the applicants : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CCRAM:-

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

\*\*\*\*\*

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.K.Venkateswara Rao, learned counsel for the applicants and Mr.N.R.Devaraj, learned counsel for the respondents

2. There are two applicants in this OA. They are working as Accounts Officer, ICO(SB), under PMG, Southern Region, Kurnool. The first applicant is working under the R-1 and the second applic is working under the PMG, Kurnool. To provide promotional opportunities the post of Accounts Officer in the scale of pay of Rs.2375-3500/- was upgraded. An Accounts Officer with minimum thre

52

1

..2

and  
years of regular service, eligible for promotion to the scale of Rs. 2200-4000/-.. The above was issued by the memorandum No.F.6(82) IC/91 dated 22-09-92 (Annexure-1). The applicants submit that they are eligible for the above promotion w.e.f., 1-7-95 and 1-10-95. But they were not given the promotion as the DPC was very badly delayed. The scheme came into force w.e.f., 1-4-92. Thereafter, the DPC met regularly every year as on 1-10-92, 1-10-93 and 1-10-94. But when the applicants became eligible for promotion in July, 1995 and October, 1995 the DPC did not <sup>e</sup>met on 1-10-95 to consider their cases and that DPC met only on July, 1996 thereby the applicants were deprived of their promotion to the post of Sr.Accounts Officer in the scale of pay of Rs. 2200-4000/-. Both the applicants <sup>have</sup> retired on 30-6-96. In view of the above, they ~~are~~ lost their chance of promotion and thereby they also lost the <sup>increased</sup> increment pension and pensionary benefits.

3. The association had took up their cases. But no fruitful results ~~were~~ obtained by them.

4. In view of the above this OA is filed for a declaration that the applicants are entitled for promotion to the functional promotional grade of Sr.Accounts Officer in the scale of pay of Rs. 2200-4000/- from the first of the next to the month in which they had completed three years of service as Accounts Officer i.e., from 1-10-95 and 1-7-95 respectively with all consequential benefits such as fixation of pay, arrears of pay and allowances. As they had already retired they also prayed for refixation of pension and pensionary benefits.

Re

..3

(1)

5. A reply has been filed in this OA. In the reply the respondents take the view that the promotion is effective only after their cases are ~~entitled~~ <sup>recommended</sup> by the DPC and approved by the competent authority. For this they relied on the para- 6.4.4 of the circular enclosed as Annexure R-3 to the OA. As the applicants were found fit only by the DPC which met on July, 1996 they cannot be given the relief.

6. When the DPC met regularly every ~~year~~ <sup>every</sup> year from 1-10-92 ~~xxx~~ <sup>scheme</sup> onwards after the introduction of the said ~~xxx~~ <sup>xxx</sup> dated 22-9-92 it is not understood why the DPC ~~cannot~~ <sup>could</sup> be arranged on 1-10-95. Though there may be some difficulties in the organisation, such difficulties cannot stand in the way of the applicants to get the benefit because of the office memorandum dated 29-9-92. The office memorandum clearly states that one should have atleast minimum three years of service for consideration for promotion as Sr. Accounts Officer. But that consideration will arise only if there are vacancies of Sr. Accounts Officer on the date when the applicants became eligible for consideration against that posts and found fit by the DPC. Even if the DPC met later on the basis of the recommendation the applicants should be given that promotion from the due date when they fulfilled all the conditions laid down for promotion as Sr. Accounts Officer and there was vacancies to promote them on that date.

7. In view of what is stated above, the following direction is given:-

The applicants if they are found eligible for promotion to the post of Sr. Accounts Officer ~~xxx~~ by the DPC which met in July, 1996 then they should be promoted as

*R*

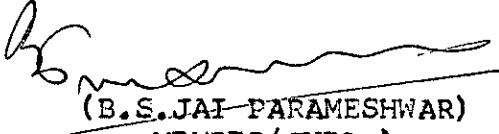
*J*

-4-

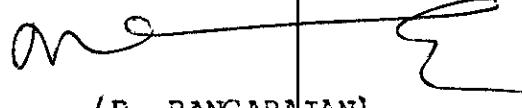
Sr. Accounts Officer from the due date that is w.e.f., 1-7-95 and  
 respectively ~  
 1-10-95, provided there was vacancies for promotion <sup>to promote them</sup> ~~against~~ on that  
 date. If, the DPC which met on July, 96 had not considered ~~by them~~  
<sup>by</sup> as they had retired <sup>then</sup>, a fresh DPC has to be constituted to  
 consider the cases of the applicants for deciding their merits  
 for promotion. The decision taken in this connection should be  
~~intimated to the applicants.~~

8. Time for compliance is four months from the date of  
 receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.

  
 (B.S.JAI-PARAMESHWAR)  
 MEMBER (JUDL.)

30.9.98

  
 (R. RANGARAJAN)  
 MEMBER (ADMN.)

Dated : The 30th Sept. 1998.  
 (Dictated in the Open Court)

spr

- 5 -

DA.698/96

Copy to:-

1. \_\_\_\_\_, Hyderabad Region, Hyderabad.
2. The Director General, Dept. of Posts, New Delhi.
3. The Secretary to the Dept. of Posts, New Delhi.
4. The Director of Accounts (Postal), A.P.Circle, Hyderabad.
5. One copy to Mr. K.Venkateswara Rao, Advocate, CAT., Hyd.
6. One copy to Mr. N. Devaraj, Sr.CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

err

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPR VED 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 : 30/9/98

ORDER/JUDGMENT

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

in  
O.A.NO. 698/98

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

