

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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G.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. S

..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.)

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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 applicant 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 three

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all  
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 meet 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 have retired on 30-6-96. In view of the above, they are lost their chance of promotion and thereby they also lost the increased 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.

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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 <sup>Recommended</sup> ~~entitled~~ 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 ~~ex~~ year from 1-10-92 ~~RRR~~ <sup>scheme</sup> onwards after the introduction of the said ~~xxxxxxx~~/dated 22-9-92 it is not understood why the DPC <sup>could</sup> ~~cannot~~ 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 22-9-92. The office memorandum clearly states that one should have at least 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 ~~xxxxxxx~~ by the DPC which met in July, 1996 then they should be promoted as

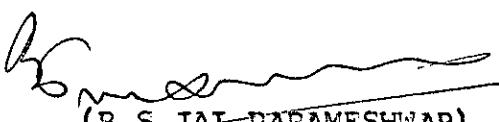
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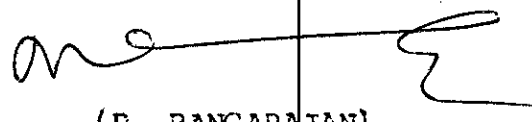
Sr. Accounts Officer from the due date that is w.e.f., 1-7-95 and 1-10-95, <sup>respectively ~</sup> provided there was vacancies for promotion <sup>to promote them</sup> ~~against~~ on that date. If, the DPC which met on July, 96 had not considered <sup>the cases of the applicants</sup> ~~by them~~ as they had retired <sup>by</sup> then, 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 informed 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)

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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.

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23/10/98  
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II COURT

TYPED BY  
COMPARED BY

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: 30/9/98

ORDER/JUDGMENT  
M.A./R.A/C.P.N.S.

in  
G.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

YLKR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH  
- 9 OCT 1998  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH