

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1312/96

DATE OF ORDER : 03-12-1996

Between :-

V.Rajaiah

... Applicant

And

1. The Chief Post Master General,
AP Circle, Abids, Hyderabad.

2. Superintendent of Post Offices,
Peddapally, Karimnagar Dist.

... Respondents

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Counsel for the Applicant : Shri K.Vasudeva Reddy

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

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CORAM:

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

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Justice Shri M.G.Chaudhari, VC).

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Shri K.Vasudeva Reddy for the applicant. Shri N.R.Devaraj for the Respondents. Pursuant to the show cause notice issued on 13-11-96 Shri N.R.Devaraj has produced the relevant record. We have heard both the counsel. Admitted. Notice waived. By consent taken up for final orders. The grievance of the applicant is that he became eligible for B.C.R. promotion with effect from 30-1-95 on fulfilling the requisite conditions for the same. He was

however not promoted and therefore he submitted a representation to the Post Master General, Hyderabad Region on 22-12-1995 for considering his case of BCR Promotion. According to the applicant he received a communication from the Superintendent of Post Offices, Pedda Pally dt.11-6-96 which relates to BCR promotion of January, 1996. Hence according to the applicant his case for promotion taking the date of his eligibility as 30-1-95 has not been considered. Shri N.R.Devaraj, learned standing counsel submitted that an employee becomes eligible for promotion under the BCR Scheme on completion of 26 years of service. Under the rules as are followed, the DPC for considering promotions of eligible candidates meets twice in a year. The first meeting is held in July of the year in which cases of those who had became eligible 6 months prior i.e. on ^{1st} January are considered. Second meeting is held in December to consider cases of those who became eligible after first January of the year. On the basis of the learned counsel submits that since according to the applicant he completed the requisite length of service only on 30-1-95 his case had to be considered only by the second DPC which met on 7th, 13th and 19th of December, 1995. The record based on that meeting of the Committee contains remark that the applicant was passed over because he was undergoing punishment in a Disciplinary Proceeding.

2. It is relevant to mention in this connection that a Disciplinary Proceeding was held against the applicant for alleged mis-conduct and by order dt.31-10-95 passed by the Superintendent of Post Offices, Pedda Pally, minor penalty of with-holding of increment for a period of 6 months without cumulative effect

was imposed on him. The period of penalty would therefore be over either in April or May, 1996. What however appears to have happened the DPC which met in December, 1995 to consider those who became eligible for promotion under the BCR Scheme as on 1-7-95 instead of considering the case of the applicant as on 1-7-95 appears to have taken into account the subsequent event of penalty imposed on him on 31-10-95. If that be the reason for which the applicant was passed for promotion to BCR in the year 1995 that clearly would be illegal.

3. The matter is further compounded by the letter of the Superintendent dt. 11-6-96. It appears that the applicant's promotion under BCR was due on 1-1-96. The anomaly therefore that arises is that had the DPC which met in December, 1995 had found applicant deserving for promotion as on 1-7-95 (whether it should be effective from 31-1-95 need not be decided here) there would have been no occasion for the DPC which met in May, 1996 to consider promotion as on 1-1-96 and to have passed over the applicant on the ground of penalty. Under these circumstances we think that it is necessary that the matter may be thoroughly examined by the appropriate authority of the respondents and the position clarified to the applicant. In the result following order is passed :-

- (i) The Chief Post Master General, AP Circle, Hyderabad is hereby directed to re-examine the case of the applicant in the light of the observations made herein above and to inform the applicant as to whether he is eligible for promo-

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tion under BCR or not either with reference to the year 1995 as also with reference to the year 1996;

(ii) In the event of the applicant not being found eligible to be promoted on the above dates than the reasons there-for shall be communicated to the applicant;

(iii) If aggrieved by the decision of the Respondent No.1 i.e. the Chief Post Master General, the applicant will be at liberty to adopt such legal remedies as he may be advised in accordance with the Law;

(iv) The Respondent No.1 is directed to take a decision in the matter as directed above and communicate the same to the applicant expeditiously;

(v) We also direct that if a meeting of the D.P.C. is scheduled to be held in this month i.e. December, 1996 or soon thereafter, the Respondent No.1 may consider placing the case of the applicant before it in the light of the observations above.

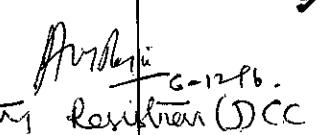
4. The O.A. is accordingly disposed-of. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 3rd December, 1996.

Dictated in Open Court.


Deputy Chairman (DCC)

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O.A. 1312/96.

To

1. The Chief Postmaster General,
A.P.Circle, Abids, Hyderabad.
2. The Superintendent of Post Offices,
Peddapally, Karimnagar Dist.
3. One copy to Mr.K.Vasudeva Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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07/12/96

Urgent
6/12/96

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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: 3 - 12 - 1996

~~ORDER~~ JUDGMENT

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

in

O.A.No. 1312/96

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

