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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO.86 of 1996.

DATE OF ORDER: 17-6-1988.

Between :

1. P. Veera Reddy
2. T.A.S.Prakasa Rao
3. N. Venkateshwarlu
4. K. Kanakaratna Rao
5. M. Amaleswara Rao
6. T. Venkateswara Rao
7. P. Bhaskara Rao

...APPLICANTS

A N D

1. Union of India, represented by the Secretary, Department of Posts, New Delhi.
2. The Chief Post Master General, Andhra Preadesh Circle, Hyderabad.
3. The Director of Postal Services, Office of Post Master General, Andhra Pradesh Eastern Region, Vijayawada.
4. Senior Superintendent of Post Offices, Vijayawada Division, Vijayawada. ... RESPONDENTS

COUNSEL FOR APPLICANTS : Mr.D.Subrahmanayam
for Mr.A.S.R.Anjaneyulu

COUNSEL FOR RESPONDENTS : Mr.V.Bheemanna,CGSC

CORAM :

HONOURABLE MR. R. RANGARAJAN, MEMBER(ADMINISTRATIVE)

HONOURABLE MR.B.S.JAI PARAMESHWAR, MEMBER(JUDICIAL)

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(46)

of Vijayawada Division because of their earlier confirmation in the West Krishna Division; that with effect from 30.11.1983 the O.T.B.P.Scheme was introduced in the basic cadres; that the pre-requisite for the said scheme is completion of 16 years of service taking into consideration the date of entry into service as criteria. The respondents have also furnished the particulars of the applicants in page 2 of the reply. They submit that the two officials, namely, T.Alia and T.S.R. Anjaneyulu had joined the department with effect from 30.7.1975 and 11.3.1976 respectively and were promoted to O.T.B.P.Scheme on completion of 16 years of service. Further they state that as per the instructions contained in the Directorate letter No.31-26/83-PE 1 dated 17.12.1983 the officials who have completed 16 years of service taking the date of their entry into service as the criteria were eligible for promotion under the Scheme. The applicants had not completed 16 years of service in the basic cadre and were therefore not eligible for promotion under the O.T.B.P.Scheme. It is submitted that the common gradation list was prepared for Vijayawada Division and the applicants were confirmed in West Krishna Division earlier to the date of confirmation of those two officials and because of that confirmation, they were shown above certain officials of Vijayawada Division. They further submit that the applicants had not completed 16 years of service in the basic cadre when the scheme was introduced. Further they submit that the seniority of the applicants was fixed in accordance with 32(e) of the P & T Manual, Vol-IV, but this was not the subject matter of the O.A. After introduction of the scheme from 30.11.1983 it superseded all other earlier

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to L.S.G. According to the said rule, promotion to L.S.G. is made normally in the order of seniority, but the appointing authority may in his discretion pass over the senior officials whom he did not consider fit for promotion. They submit that their cases / promotion under O.T.B.P. Scheme were not at all considered.

5. Hence they have filed this O.A. to call for the records and to declare that the action of the respondents in not considering their cases for promotion to L.S.G. under the O.T.B.P. Scheme and promoting their juniors to L.S.G. ignoring their seniority is violative of Articles 309, 14 and 16 of the Constitution of India; and further they pray for a direction to the respondents to consider their case for promotion to L.S.G. from the date their juniors were promoted and to protect their seniority.

6. The respondents have filed their counter. It is stated that the applicants were initially recruited as Postal Assistants of Vijayawada Division; that after formation of West Krishna Division, some posts offices from Vijayawada Division were placed under the administrative control of the S.P.O. of West Krishna Division; that those officials were confirmed in the permanent vacant posts available at that time while they were working in the West Krishna Division and that after merger of West Krishna Division with Vijayawada Division effective from 1.1.1986, a common gradation list of Postal Assistants as on 1.7.1986 was prepared by taking into consideration the date of confirmation of an employee in the P.A. cadre from both the Divisions, viz., Vijayawada and West Krishna Divisions; that consequently the applicants / were confirmed in the erstwhile West Krishna Division were shown seniors to some of the P.As

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show that they admit that the applicants were seniors to the said two officials, namely, T.Elia and T.S.R.Anjaneyulu.

9. It is not in dispute that T. Elia and T.S.R.Anjaneyulu were promoted to L.S.G. under the O.T.B.P.Scheme vide proceedings dated 12.3.1992.

10. The learned counsel for the applicants contended that an anomalous situation has arisen wherein the juniors were considered for promotion under the O.T.B.P.Scheme whereas the claims of the seniors were ignored. The common gradation list of Vijayawada Division as on 1.7.1986 has not been disputed by the respondents. They also admit that such a common gradation list was prepared taking into consideration the date of confirmation of an employee. The applicants were confirmed earlier to T.Elia and T.S.R.Anjaneyulu while they were working in the West Krishna Division.

11. The learned counsel for the applicants in support of his contention that such an anomalous situation should be avoided and the applicants who are seniors to those two officials must also be considered for promotion under the O.T.B.P. Scheme relied upon the decision of the Bangalore Bench of this Tribunal in O.A.No.403/92 decided on 3.2.1993. In the said O.A., the Bangalore Bench of this Tribunal considered such a situation while implementing the B.C.R.Scheme. Under the B.C.R.Scheme an employee is eligible to be promoted to the next higher grade after completion of 26 years of service. It is a second promotion. Similar situation as arisen in this case had arisen in that O.A. Then the Hon'ble Tribunal considered the decision in the case of R.Prabhadevi v. Union of India, reported in AIR 1988 SC 902 and held that the decision in that case was not applicable to the 'facts of the said O.A. In para-7 the Tribunal observed as under :



orders on the subject. Thus they deny that the applicants have been overlooked in considering their cases under the O.T.B.P.Scheme and that in fact, they were not eligible for consideration under the O.T.B.P.Scheme.

7. The O.T.B.P.Scheme was introduced with effect from 30.11.1983. An employee is eligible to get promotion under the said scheme if he had completed 16 years of service and was found otherwise eligible. The basic criteria is the completion of 16 years of qualifying service.

8. The applicants were originally appointed in the West Krishna Division and subsequently they were merged with Vijayawada Division. Admittedly their date of confirmation was earlier to that of the two officials viz., T.Elia and T.S.R.Anjaneyulu. The respondents admit that at the time of preparing the common gradation list of Vijayawada Division as on 1.7.1986, they took into consideration the date of confirmation of an employee to place above certain officials. The common gradation list of Vijayawada Division was prepared taking the date of confirmation in the cadre as the criteria. Thus the applicants were shown as seniors to those two officials T.Elia and T.S.R.Anjaneyulu even though they were recruited earlier to the applicants. Probably, the date of confirmation of T.Elia and T.S.R.Anjaneyulu was later than the date of confirmation of the applicants. The respondents though not specifically dispute the seniority claimed by the applicants over the officials T.Elia and T.S.R.Anjaneyulu, they indirectly admit having shown the applicants above those two officials on the basis of the date of confirmation while preparing the common gradation list of Vijayawada Divison as on 1.7.1986. That goes to

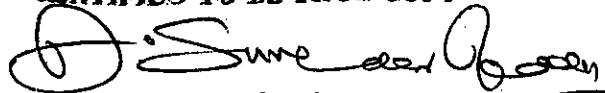


fixed from that date. The applicants shall be paid monetary benefits only from the date when they shoulder the higher responsibilities.

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

14. With the above directions, the O.A. is disposed of. Parties to bear their own costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY



18/6/08

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपाल
HYDERABAD BENCH

Regd:- Petition for exten
of time

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

M.A. No. _____ of 1998

In

O.A. No. 86 of 1996

Between :

Union of India, Rep. by
The Secretary,
Department of Posts,
New Delhi &
3 others .. Applicants/Respondent

And

P. Veera Reddy &
6 others .. Respondents/Applicar

AFFIDAVIT FILED BY APPLICANTS/RESPONDENTS

Filed on :



Copy received
V. Bhimanna
23/11/98

Filed by : V. Bhimanna,
Addl. C.G.S.C.

May be filed
C.G.S.C.
25/11/98