

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH AT

HYDERABAD.

O.A.No: 1741 of 1997

Between:

Sri M.Ch. Moulali son of M. Venganna, aged 40 years, working as Sub Post Master, Jammalamadugu East Town Sub Office, Cuddapah District.

.. Applicant.

and

Union of India represented by:

1. The Chief Post Master General,
A.P. Circle, Hyderabad.
2. The Director of Postal Services,
% PMG Kurnool Region, Kurnool.
3. The Superintendent of Post Offices,
Proddatur Division, Proddatur,
Cuddapah District.

.. Respondents.

Address for service : K.S.R. ANJANEYULU
D. SUBRAHMANYAM
Advocates, 1-1-365/A,
Jawaharnagar, Bakaram,
HYDERABAD 500 020.

Details of the application:

1. Particulars of the order against which this application is filed:

This application is filed against the orders of the Superintendent of Post Offices, Proddatur Postal Division (Respondent No: 3) issued in his letter Memo B/1-5/6/97 dated 10.12.1997 (Annexure 1 Page 9) posting the applicant as Accountant in Divisional Office, Proddatur and also against the orders contained in Superintendent of POs Proddatur letter No: B/1-5/6/97 dated 10.12.1997 (Annexure 2 Page 9) calling for volunteers to fill up the post of Sub Post Master, Jammalamadugu East.

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[Signature]
CM.Ch. Moulali

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2. Jurisdiction:

The applicant declares that the subject matter of the orders against which the applicant seeks relief is within the jurisdiction of this Honourable Tribunal as per Section 14(1) of the Administrative Tribunals Act, 1985. The applicant is working as Sub Post Master in Proddatur Division.

3. Limitation:

The applicant further declares that the application is within the period of limitation as per Section 21 of the Administrative Tribunals Act, 1985. The impugned order is dated 10.12.1997. Annexure 1 Page 10

4. Facts of the case:

4.1. The applicant humbly submits that he was initially appointed as Time Scale Postal Assistant in October, 1979. He passed PO & RMS Accountant Examination in 1990. The Superintendent of Post Offices, Proddatur vide his Memo B/1-5/5 III dated 16.4.1991 (Annexure 3 Page 10) posted him as Accountant, Pulivendla H.O. The applicant declined the post of Accountant as he wanted to continue in the general line. The Superintendent of Post Offices vide his Memo No: B/74 dated 5.6.1991 cancelled the posting orders (Annexure 4 Page 12) as the applicant declined the allowed post which has been accepted. The Superintendent of Post Offices thereafter vide his memo B/7-6/38/94 dated 11.01.1995 (Annexure 5 Page 13) specifically asked the applicant whether he declined the post permanently. The applicant gave his reply on 17.1.1995 (Annexure 6 Page 14) stating that he was permanently declined the post. He never worked as Accountant and throughout worked in general line only.

4.2. Consequent upon the introduction of TBOP Scheme in 1983, vide Annexure 7 dated 17.12.1983 the officials who have completed 16 years of service as Time Scale Postal Assistants were given one Time Bound promotion. The applicant was promoted as TBOP LSG with effect from 24.10.1995 vide Superintendent of Post Offices Memo No: B/1-6/35 dated 30.10.1995 (Annexure 8 Page). He was promoted and posted as LSG PA at Proddatur HO.. The applicant was subsequently transferred as Sub Post Master, Jammalamadugu East TBO vide Superintendent of Post Offices, Proddatur Memo No: B/1-5/6/97 dated 26.4.1997 (Annexure 9 Page 28) and he is working in that post till date.

4.3. Whiles the Superintendent of Post Offices, Proddatur vide his Memo No: B/1-5/6/97 dated 10.12.1997 (Annexure 1 Page 8) issued orders posting the applicant as Accountant Divisional Office, Proddatur Contrary to the DG's orders contained in letter dated 17.12.1993 (Annexure 7 Page). He cannot be posted as Accountant, as he declined the same permanently which was accepted as stated supra. Further, he never worked as Accountant at any time. His posting as LSGPA Under TBOP in general line w.e.f. 24.10.95 vide Annexure 8 ^{Page 27} is in conformity with the Rules in Annexure 7 and legal and final. It would be a bar for the SPOs to post him as Accountant in contravention of the Rules. As per Rules the applicant is to be posted only in single handed and double handed Sub Post Offices as Sub Post Masters. Even on that score, the action of the Superintendent of Post Offices (Respondent No: 3) is untenable and invalid.

4.4. The Superintendent of Post Offices vide his Memo No: B/1-5/6/97 dated 10.12.1997 (Annexure 2 Page 9) with undue haste called for volunteers to fill up the posts of SPM Jammalamadugu East (Annexure 2) the action is untenable.

Page 9

4.5. The applicant submitted a representation on 17.12.1997 (Annexure 10 Page 30) to the Post Master General, Kurnool region, Kurnool stating:

1. that he permanently declined the post of Accountant and the same was accepted.
2. that he never worked as Accountant.
3. that he was borne on the general and working as LSG and he is to be posted only as Sub Post Master.

The applicant has not received any reply. The action of the Superintendent of Post Offices, in posting the applicant as accountant is ex facie illegal and he is taking action in undue haste to fill up the post of Sub Post Master, Jammalamadugu East as per Annexure 2 calling for volunteers to reach him by 31.12.1997 (Annexure 2 Page 9). The applicant will be put to irreparable loss on account of the illegal action initiated by the Superintendent of Post Offices. The applicant ~~xxx~~ therefore is left with no alternative than to approach this Honourable Tribunal for redressal of his grievance on the following among other grounds:

5. Grounds for relief with legal provisions:

1. The applicant declined the Accountants Post permanently and the same was accepted (Annexure 4, 5 and 6). Pages 12, 13, 14
2. The action of Respondent No: 3 to post the applicant as accountant is unlawful and unsustainable. It is also repugnant to the orders contained in Annexure 7. Page 15

3. It should be a bar for the respondents to post him as Accountant when he is on the general line. The action is also hit by the principle of estoppel.
4. The action is also of Hostile discrimination and arbitrary.
5. The action of respondent in calling for the volunteers to fill up the post of SPM Jammalamadugu East Town Sub Office, is in undue haste and colourable exercise of power as the applicant cannot be passed as Accountant.
6. The post of Accountant is on Time Scale (975-1660) with SPL Pay (Rs. 90/-) whereas the applicant as LSGPA is in the higher scale of pay of Rs. 1400 to 2300. The applicant's status is also affected, more particularly when DG's orders are clear that only officials who have completed 16 years of service are to be posted as Sub Post Master in single handed and double handed post offices.

6. Details of remedies exhausted:

The applicant submitted a representation on 17.12.1997 (Annexure 10 30) to PMG Kurnool region, Kurnool. The action of the Superintendent of POs (R3) in posting the applicant as accountant with immediate effect vide his orders dated 10.12.1997 (Annexure 1 Page 8) are ex facie illegal. The applicant is continuing as Sub Post Master, Jammalamadugu East TSO.

7. Matters not filed or pending in any other court:

No case relating to the matter is filed for pending in any court or Tribunal.

8. Relief(s) sought for:

In view of the facts stated at para 4 above the applicant humbly prays that this Honourable Tribunal be pleased to call for the records relating to the posting of the applicant as accountant and declare the orders issued by the Superintendent of Post Offices, roddatur ² issued in his Memo No: B/1-5/6/97 dated 10.12.1997 (Annexure 1 Page 8) posting the applicant as Accountant in the Divisional Office as arbitrary, discriminatory and exfacie illegal and set aside the same. The respondent No: 3 may be directed to continue the applicant on general line as Sub Post Master, jammalamadugu East TSO and to drop the action initiated to fill up the post as per his letter No: B/1-5/6/97 dated 10.12.1997 (Annexure 2 Page 9) and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

9. Interim orders prayed for:

Pending final decision on the application, Respondent No: 3 may be directed to continue the applicant as SPM Jammalamadugu East Town Sub Office and to stay further action on his letter B/1-5/6/97 dated 10.12.1997 (Annexure 2 Page 9) Volunteers to fill up the post.

10. Not applicable.

11. Particulars of the court fee of Rs. 50/- paid:

- No. & Date of Postal Order : 8.12.677639 @ 29-12-97
- Post office of issue : New ML AQS Hyderabad
- Payable at : Hyderabad G.P.O. ^{Rs. 50/- A}

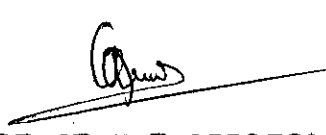
W.A. S. S. D. Monom

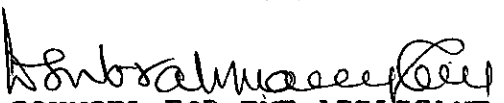
12. Enclosures:

Vakalat, Postal order and material papers as per index.

VERIFICATION

I, M Ch. Moulali son of M. Venganna, aged 40 years, working as Sub Post Master, Jammalamadugu East Town Sub Office, Cuddapah District, do hereby verify that the contents of paras 1 to 11 are true to the best of my knowledge and belief and that contents of paras 5 and 8 are believed to be true as per legal advise and that I have not suppressed any material facts in the case.


SIGNATURE OF THE APPLICANT.


COUNSEL FOR THE APPLICANT.

Annexure 1

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DEPARTMENT OF POSTS :: INDIA

% the Supdt. of Post Offices, Proddatur Division, Proddatur-1
Memo. No. B/1-5/6/97 dated at Proddatur - 1 the 10.12.1997.

The following transfers are ordered with immediate effect.

1. Sri. C. Aswarthareddy, SPM, College Road TSO to be Accountant, Proddatur H.O. vice post vacant.
2. Sri. M. Ch. Moulali, SPM, Jammalamadugu East S.O. to be Accountant, Divisional Office, Proddatur vice post Vacant.

(P. RAMACHANDRA REDDY)
Supdt. of Post Offices,
Proddatur Division,
PRODDATUR - 516 361.

A copy of this Memo. is issued to:

1. - 2. The Officials.
3. - 4. The P.F. of the officials.
5. - 6. Service Books of the officials.
7. - 8. The Postmaster, Proddatur H.O.
9. The SPM, College Road.
10. The SPM, Jammalamadugu East.
11. The ASPOs, Proddatur North Sub Division.
12. The SDI (P) Tgu So

Supdt. of Post Offices,
PRODDATUR - 516 361.

T.E.
J. M. Nayyer
Counsel for the
applicant

Annexure 2

9

DEPARTMENT OF POSTS : INDIA

From: The Secy. of Post Offices,
Postal Division,
PRODDUTUR - 515 351.

To: The Secy. of Post Offices,
PRODDUTUR N.O. / Jammalamadugu
515 350 515 350
All SPNs in the Division.

o. B/1-5/5/97 dt. PRODDUTUR - 515 351 dt. 10.12.97.

Subj: Volunteers to work at SPN, College Road /
Jammalamadugu East.

Volunteers are called for, for the following posts,

- 1. SPN, College Road.
- 2. SPN, Jammalamadugu East.

The representations of the willing officials should
reach this office on or before 21.12.97.

The Heads of the offices should circulate this letter
to all the officials, on leave to under acquittance and send
certificate to this effect.

(S. RAMACHANDRA REDDY)
Super. of Post Offices,
Postal Division,
PRODDUTUR - 515 351.

T.C
88/any
Counsel for the
Applicant

Department of Posts - India

At the Deptt. of Post Offices, Proddatur Division, Proddatur-516361.
Memo No.B/1-5/5.III dated at Proddatur 516 361 the 16.4.91.

The following transfers in the order of lower selection grade (TSOP) and Postal Assistants are hereby ordered in the interest of service except those noted specifically.

PART A

1. Sri.J.Jayarajamudu SPM, Jammalamadugu (North) TSO to be LSG PA Proddatur HO Vice No. 2.
2. Sri.M.V.Anjaneyulu, LSGPA, Proddatur HO to be SPM, Jammalamadugu (North) TSO Vice No. 1 (To make first move).

PART B

3. Sri.S.Mahabobmeah, SPM, Peddapasupula S.O. to be SPM, Onipenta S.O. (vice Sri.V.Buddameah retiring on 30.6.91 a/n on superannuation). The official should join at Onipenta S.O. on the afternoon of 30.6.91 positively.
4. Sri. E.Nastanaiah, LSGPA, Proddatur HO to be SPM, Peddapasupula S.O. vice no.3. The official should join at Peddapasupula S.O. in time so as to enable Sri.S.Mahabobmeah to join at Onipenta S.O. on 30.6.91 a/n positively (To make first move)

PART C

5. Sri.A.Ramachandra Reddy, SPM, Simhadripuram S.O. to be LSG PA, Pulivandla HO Vice No. 17.
6. Sri.G.Thirupathiah, LSGPA, Proddatur HO to be SPM, Simhadripuram S.O. Vice No.5 (To make first move).

PART D

7. Sri.K.Dyvaservadam, SPM, Vaddirala S.O. to be Postal Asst. Proddatur HO. (The transfer is under immunity) vice No.8.
8. Sri.T.Sectharamalah, LSGPA, Proddatur HO to be SPM, Vaddirala S.O. vice No. 7. (To make first move).

PART E

9. Sri.M.Ch.Moulali, Postal Asst. Jammalamadugu S.O. and approved PO & RMS Accountant Candidate to be Accountant Pulivandla HO vice post vacant. (To make first move).

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10. On relief by No.9, Sri.J.Subramanyam, offg. Accountant, Pulivendla HO to be Postal Asst. Pulivendla HO.

11. Sri.P.V.Ramana, Postal Asst. Proddatur HO to be Postal Asst. Jammalamadugu S.O. Vice Post vacant. (To make first move).

PART 'F'

12. Sri.K.Narayana, Postal Asst. Duvvur S.O. to be SPM, Tallapalle S.O. vice No.13. The transfer is at request and he is not entitled to any charge allowance. But he is entitled to TA and TP. (To make first move).

13. Sri.K.S.Prasad, SPM, Tallapalle S.O. to be LSG PA Proddatur HO. vice No.11. The transfer is at request w/o TA and TP.

PART 'G'

14. Sri.C.Prakasam PA, Vainpalle S.O. to be Postal Asst. Proddatur HO. vice No.16.

15. Sri.S.Narayana Brahma, SPM, Payasampalle S.O. to be Postal Asst. Vainpalle S.O. vice no.14. The transfer is at request and the official is not entitled to TA and TP.

16. Sri.G.Venkatiah, Postal Asst. Proddatur HO. ~~XXXXXX~~ to be SPM, Payasampalle vice No.15. The transfer is at request and the official is not entitled to any charge allowance. But he is entitled to TA and TP. (To make first move).

17. Sri.E.Mollikarjuna sastry, Postal Asst. Pulivendla HO to be Postal Asst. Proddatur HO vice No.6. The transfer is under immunity. (To make first move).

The transfer orders will be given effect to on or after 10.5.91 and all movements should be completed by the end of 15.6.91.

The officials, who are under transfer will not be granted leave till they join in the new posts.

J. V. 24/11
(G.VENKATASWAMY)

Supdt. of Post Offices,
Proddatur Dn: Proddatur-516361.

A copy of this memo is issued to:

1 to 17. The Officials.

18 to 34. PFs of the officials.

36 to 40. The Postmaster, Proddatur HO -516360/Pulivendla HO-516 390.

41 to 60. All subpostmasters in the Division.

81 to 84. The ASPOs Proddatur (D) sub division and all SDI (P)s in the Division.

85 to 100. Spare.

J. V. 24/11
(G.VENKATASWAMY)

Supdt. of Post Offices,
Proddatur - 516 361.

Tie
J. V. 24/11
Counsel for
applicant

Annexure 4

DEPARTMENT OF POSTS :: INDIA

12
The Supdt. of Post Offices, Proddatur Divn: Proddatur-516 361
Memo No. B/74 Dated at Proddatur-516 361 the 5-6-1991

The orders of posting of Shri M. Ch. Moulali,
Postal Assistant, Jammalamadugu SO as Accountant, Pulivendla HO
issued in this office memo No. B/1-5/5-III dated 16-4-91
are hereby cancelled as he has declined the allowed post
and his declination has been accepted.

612
(G. VENKATASWAMY)
Supdt. of Post Offices
Proddatur Division
Proddatur-516 361

A copy of this memo is issued to:

1. & 2. The Postmaster, Proddatur HO-516 360/Pulivendla HO-516 390 for information.
3. The official.
4. The Sub Postmaster, Jammalamadugu SO-516 434 for information
5. File relating to Rotational transfers.
6. Spare.

612
Supdt. of Post Offices
Proddatur-516 361

T.C
To Mr. J. S. Rao
Counsel for the
applicant

Annexure 5

B

Department of Posts - India

Regd. Ad.

From The Supdt. of Post Offices, Proddatur Division, Proddatur - 516 361. To Shri. M. Ch. Moulali, Postal Asst., Proddatur H.O. - 516 360.

No. B/1-6/38/94 dated at Proddatur 516 361 the 11.1.95.

Sub:- P.O. & RMS Accountants examination.

Ref:- 1) This office letter B/1-2/3 dtd. 12.10.94.
2) Your letter dtd. 25.10.94.

You were addressed in this office letter B/1-2/3 dt. 12.10.94, to intimate in specific terms whether you are willing for posting as Accountant in future vacancies or your decline permanently, as your earlier declaration dt. 6.4.94, received from you in response to this office letter dt. 12.10.94 was evasive and not clear.

But the declaration dt. 25.10.94, received in response to this office letter dtd. 12.10.94, is again evasive.

Please intimate by next post the following specifically:-

- 1) Are you willing to work as Accountant or
- 2) Are you declining permanently to be posted as Accountant.

If your reply is not received within three days or if the reply received is still evasive, it will be presumed that you are willing to work as Accountant and orders will be issued accordingly.

(B. KULLAYASWAMY)
Supdt. of Post Offices,
Proddatur division,
Proddatur - 516 361.

Te
28/1/95
Counsel for the
applicant

From Annexure 6

M. Ch. Moulali
PA
Proddatur Ho
516360

Proddatur, 16
Dt. 17-1-95

To, The Supdt of post offices
Proddatur DM.
Proddatur - 516361

(Through the postmaster, Proddatur Ho)

Respected Sir,

Sub: - P.O & Rms Accountants
Examination

Ref: - SP: P.O. letter no. B/1-6/38
94 dt 11-1-95

In obedience to the letter cited above,
I humbly submit that I am desirous
permanently to be posted as accountant.

Yours faithfully

(Signature)
M. Ch. Moulali 13/1/95
PA
Proddatur Ho

T.C
Secretary
Counsel for the
applicant

Annexure 7

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ANNEXURE: VI

Copy of D.G. P & T New Delhi Lr.No.31-26/83-PE.I dated 17 Dec. 1983, addressed to All Heads of Circles (Postal).

Sir,

The issue of giving time bound promotion to regular employees in the operative cadres in the P & T Department has been under consideration of the Departmental Council (JCM). The Government have agreed to a time-bound one promotion scheme in the basic operative cadres in the P & T Department. An agreement on this scheme has been signed between the official side and staff side in the P & T Departmental council of JCM on 30-11-1983. A copy of the agreement with the staff side along with its enclosures is forwarded for information.

The following instructions are hereby issued in connection with implementation of the above mentioned scheme in the P & T Department:

1) The scheme will come into effect from 30-11-83. All officials belonging to basic grades in Group 'C' and Group 'D' to which there is direct recruitment, either from outside and /or by means of limited competitive examination from lower cadres, and who have completed 16 years of service in that grade will be placed in the next higher grade. Officials belonging to operative cadres listed in the Annexure A-1 to the Agreement will be covered under the scheme.

2) The Heads of Circles/Divisional Superintendents/ Heads of other functional units will take immediate action to identify the officials who have completed 16 years of regular service in the cadres covered under the scheme as on 30-11-83 as well as the officials who will complete

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16 years of service from 1-12-83 to 30-3-84. Thereafter, action will be initiated by the Heads of Circles to convene departmental promotion committee meetings to consider promotion of the officials in the operative cadres to the next higher scale of pay. The Departmental promotion Committee which will be constituted in accordance with the existing instructions applicable to the different orders will assess the fitness of the identified officials for promotion to the higher scale of pay. The formalities in this regard should be completed within a period of 3 months. The promotions to the next higher scale of pay will be granted from the date following the date on which the identified officials complete 16 years of regular service. In case of officials who have completed 16 years of service before 30-11-83, the promotions to the next higher scale of pay will take effect from 30-11-83.

3. Special efforts would be made at all levels to take quick and prompt action which should be monitored by the Head of the Circle so that the DPC formalities be completed and promotion orders issued latest by 29-2-'84.

4. With effect from 1-11-84 the Heads of Circles/ Divisional Supts./Heads of functional units will identify the officials belonging to the cadres covered under the scheme, who will complete 16 years of service upto 31st March of the next year. The Departmental promotion Committee meeting will be before 30th June to consider fitness of the officials completing 16 years of service in the grade during the year. Officials completing 16 years of service in a date late than that of convening of the meeting of the DPC will be placed

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on the approved list and will be promoted to the next higher scale of pay immediately on completion of 16 years of service, subject to their being found fit by the DPC and subject to normal rules relating to promotion. In respect of the officials who complete 16 years of service between the period from 1st April to the date the meeting of the DPC is convened, they will be placed in the next higher scale of pay from the date following the date they complete 16 years of service subject to their being found fit by the DPC.

5. As soon as the departmental promotion committees finalise the lists of officials who are to be promoted to the next higher grade, the Head of the Circle will ensure that the basic grade posts are upgraded to the Higher scale by issue of a formal sanction, distributing the higher posts to different units so that such officials can be placed on the higher grades.

6. For promotions under the time-bound one promotion scheme the normal orders relating to reservation for SC/ST communities will not apply unless any specific order in this regard is subsequently issued.

7. The pay of the officials on their being placed in the next higher scale of pay under the scheme will be fixed under FR 22-C.

8. Officials on promotion to the higher scale of pay on completion of 16 years of service will maintain their inter seniority in the lower grade for purpose of promotion to supervisory posts justified on standards. This is to protect the interest of the senior officials who may not be eligible for promotion in a particular

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year for non-completion of 16 years of regular service, but are promoted on the basis of recommendation of a subsequent DPC. In case, however, an official who is considered unfit by a DPC (on completion of 16 years of service), he will lose seniority vis-a-vis the officials promoted to the higher scale of pay on the basis of the recommendations of that DPC.

9. In the operative cadres covered by the scheme a 5% reduction will be effected in the sanctioned posts by the Heads of the ~~XXXXXX~~ Circle/Divisional Officer/Heads of independent functional units. The reduction will be done in respect of the basic grade posts covered under the scheme e.g. Time Scale Assistants, Postmen, Group 'D' etc. on a divisional basis. In other words the 5% cut, will not be effected officewise. The total number of posts in a division will be taken into account and with immediate effect the total number of posts will be reduced by 5%. While calculating the reduction, fraction of 5 and above will be rounded off to the next higher integer. The Divisional Supdt. will ensure that the reduction is suitably distributed among various offices so that the service is ~~not~~ not dislocated. It may be noted that as a result of this, while there may not be any physical reduction of staff strength in smaller units, in bigger units the number of posts reduced may be more than 5%.

10. Similarly, in respect of supervisory posts, which are sanctioned on the basis of prescribed norms as well as promotional posts, which are sanctioned outside the basic grades as per prescribed norms (e.g. Supervisory LSG Posts, Mail Overseer/Sorting Postmen etc), the number

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of sanctioned posts will be reduced by 15% on divisional basis. While calculating the reduction, fraction of .5 and above will be rounded off to the next higher integer. Here again the reduction should be suitably distributed among the different offices. The exercise referred to in this para and the previous para will have to be completed before 31-12-83 and a certificate should be given by the Head of the Circle personally, addressed to the Deputy Director General (P) (Py name) that this has been done).

11. As per the agreement with the staff side in the JCM existing officials regularly appointed to any basic grade, will not be retrenched from service as a result of 5% cut in the basic posts as mentioned in the previous paragraphs. If there are not sufficient vacancies in a Division to cover 5% reduction in the basic grade posts by 31-12-83, the posts may be continued to the extent necessary in order to keep the officials in service. As and when vacancies arise as result of new-creation, retirement, etc. the extra posts retained should be adjusted against them.

12. The posts in operative and supervisory cadres will continue to be sanctioned on the basis of present norms until further orders. However, while taking up proposal for sanction of establishment into different offices, care will be taken to see that the reduction offices ordered in the year 1983-84 is duly taken into account and the staff reduced in a particular office even beyond 5% is not created again in the next review of the establishment.

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13. After introduction of the scheme, the posts justified on prescribed standards, both in the basic and the supervisory grades may continue to be sanctioned on the basis of the existing norms. On 1st April of every year, a 5% reduction in the basic grade posts and 15% in supervisory posts as described in paras 9 and 10, above will be effected in respect of the posts sanctioned during the previous financial year. It is clarified that the 5% and 15% cuts referred to in paras 9 and 10 in respect of posts existing on 30-11-83 will be effected immediately on receipt of this letter in any case not later than 31-12-83. On 1-4-84 a similar reduction be made in respect of posts sanctioned between 1-12-83 and 31-3-84. Thereafter the reduction will be effected on the 1st of April every year in respect of the additional posts sanctioned during the previous financial year.

In bigger offices where immediately on introduction of the scheme more than 5% of the sanctioned posts were reduced in order to maintain 5% cut on divisional basis, it has to be ensured that at the subsequent review of establishment of that office only extra posts justified on time-test or prescribed norms will be sanctioned and the extra cut made in that office already is not restored.

For example, in an office if there were 100 posts in basic grade on 30-11-83 and 8 posts are reduced in order to maintain 5% cut on divisional basis, 92 posts would be available with effect from 31-12-83 (latest). If subsequently a review of establishment of this office is done and the total number of posts justified comes to 103, then only 3 more posts will be sanctioned for the

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office making the total effective number of posts as 95.

14. With effect from the date of introduction of the scheme, the officials posted against regular supervisory posts sanctioned on standards will be entitled to draw special allowance as indicated in Annexure 'B' to the agreement.

Only officials who hold supervisory posts will be eligible to draw the special allowance and as such necessary adjustments based on seniority in posting will have to be made. Such of the senior officials as are entitled to hold supervisory posts and have to move out for want of posts in the stations of their posting where they are working at present may be allowed at their option to move out at the end of the current academic year. But they will be eligible to draw special allowance only when they actually work against the supervisory posts. Supervisory posts carrying special allowance which form circle cadre will have to be filled on circle basis based on seniority.

15. The incumbents of posts in promotional grades like Head Postman/Sorting Postmen/Mail Overseer upto the extent of 10% of the total number of posts in the basic grade after 5% cut from which promotion is made, will be entitled to Rs.25/- per month as special allowance. Posts in Mail Overseer/Sorting Postman, etc., cadres upto a limit of 10% of total number of posts in postmen cadre after 5% reduction should be identified and the officials holding those posts may be given the special allowance and the officials holding those posts may be given the special allowance. The filling up of these posts may be done on merit seniority. This will apply to 10% of posts in the case of Mail Guards also.

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The incumbents of the posts of Jamadars upto the extent of 10% of the total number of posts in the basic grade of Group 'D' Test category (including) those of Jamadars created by upgradation of Group 'D' posts) after effecting the 5% cut, will be entitled to Rs.15/- per month ~~asymetrical~~ special allowance. Such posts of Jamadar should be identified and the officials ~~hmkal~~ holding these posts may be given special allowance. The ~~xs~~ filling up of these posts may be done on seniority.,

16. With effect from 30-11-83, special pay sanctioned for basic grade posts as charge allowance will be withdrawn. However, special pay on grounds such as for acquiring additional qualifications, for special training and for handling cash etc., will continue so long as these posts are held by the officials in the basic grade unless a special pay is prescribed in the higher scale also.

17. Annex. 'C' to the Agreement gives particulars of the post to which a special pay/charge allowances, sanctioned at present will be withdrawn with effect from 30-11-83.

18. The posts of single-handed and double handed sub Postmaster which carry charge allowance at present will hence forth be manned by officials who have completed 16 years of service and have been placed in the next higher scale of pay. In order to avoid inconvenience to the officials consequent on the introduction of the scheme in ~~max~~ mid academic session, it is not necessary to deploy such officials against the posts of single handed and double handed Sub Postmaster immediately. Such deployment may be effected at the end of the academic year. Charge Allowance to these posts will, however, stand withdrawn with effect from 30-11-83.

19. For sanction of supervisory posts on standards in higher grades in future the posts. Justified as per existing standards in the lower grades before reduction will be taken into account.

20. The special allowance for supervisory posts mentioned in paras 14 and 15 above will not have the characteristics of special pay. The special allowance shall not count for any purpose other than pensionary benefits.

21. P.O. & RMS Accountants, P.O. & RMS Accountants, who are in the time scale of pay plus special pay, and are also entitled to promotion to the scale of Rs.425-640 on completion of their total 16 years of service in the clerical grade including the period they worked as Accountants.

However, the officials belonging to PO & RMS Accountants cadre who have chosen the scale of pay Rs.380-620 are not eligible for one promotion on completion of 16 years of service in that scale. They may be given an option to revert to the time scale in which of pay plus special pay retrospectively with effect from the date they chose the scale of pay Rs.380-620. Their pay on reversion to the time scale of pay will be notionally fixed with reference to the pay in the time scale which they would have drawn plus special pay of Rs.45/-. Then they would be eligible for being promoted to the scale of Rs.425-640 on the basis of completion of 16 years of service in the time scale of pay. The special pay granted to them on national basis may be taken into account for fixation of their pay subject to the conditions laid down in Government of India's order No.6 read with Annexure below FR 22 (Swamy's Compilation of F.R. & S.R.) The excess pay and

allowances which they might have drawn in the scale of pay of Rs.380-620 after fixation of their pay in the time scale on notional basis will not be recovered. The option should be exercised by all concerned within a period of two months from the date of issue of these orders and the option exercised once shall be final.

22. Since it has been decided to give one promotion to all officials who complete 16 years of service in a particular grade, officials who have been transferred under Rule 38 of the P & T Manual Vol. IV in the same cadre, are eligible to count their entire period of service for promotion under the scheme. This will cover even officials who have been transferred from one Circle to another in the same cadre. The question of extending the scheme to officials who have been transferred under Rule 38 from one cadre to another (e.g. from RMS Assistants to PO Assistants) is separately under consideration.

The following further clarifications and instructions are also issued.

(11) In respect of the cadres which are covered under the scheme of time-bound one promotion, the order issued vide P & T Dte. No.31-19/74-PE.I dtd. 15-6-74 and Ministry of Finance O.M.No.F.7 (21) E.III(A)/74 dated 10-1-1977 will stand withdrawn after 30-11-'83.

(11) Promotion to the LSG-1/3rd on the basis of departmental examination will be abolished on introduction of the scheme. However vacancies falling under LSG 1/3rd quota upto 30-12-82 will be filled in accordance with the instructions on the subject.

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(iii) The introduction of the scheme will not effect officials who have already been promoted on regular basis from the basic grades to the next higher grades before 30-11-83 under existing rules. The officials who have already been promoted to the next higher scale of pay before 30-11-83 will rank, on block senior to the officials who are placed in the next scale in pursuance of the new scheme.

(iv). The officials who complete 16 years of service and who are promoted to next higher scale of pay will continue to perform operative duties unless they are posted to regular supervisory posts in their turn.

The Heads of Circles and Administrative Offices will be personally responsible to ensure implementation of the orders issued above. They will examine the enclosures to this letter including the agreement and the instructions contained in the above paras very carefully and take all steps for its most expeditious implementation. They will also be responsible to monitor the progress made in the Circle/Administrative Units under their jurisdiction regarding the implementation of the new scheme.

Their attention is specifically drawn to the instructions contained in para 10 regarding the certificate to be sent by them to the DPO (I) by name.

The Heads of Circles/Administrative Offices may take immediate steps to set up a cell within the existing staff to deal with the different matters relating to the scheme of time-bound one promotion in their offices for this purpose.

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The Heads of Circles and Administrative Offices will please send a fortnightly progress report to the Directorate in the enclosed proforma regarding implementation of the scheme of time-bound one promotion.

In case of any doubt regarding implementation of the scheme, a reference may be made by Heads of Circles to the ADG (One promotion Cell) in the P&T Directorate, which has been specifically constituted to deal with the matters arising out of the implementation of time bound one promotion scheme in the P & T Department.

Receipt of this letter may please be acknowledged to Shri P.B. Venkateswaran, ADG (PE).

Yours faithfully,
SD/-
(S.K. PARTHASARTHY)
Deputy Director General (P)

// true copy //

T.C
J.S.V. / a.s.s. / R.S.
Counsel for the
applicant

Annexure 9

26

DEPARTMENT OF POST : INDIA

OFFICE OF THE SUPD OF POST OFFICES, PRODDATUR DM. 313 35L.

Memo No. B/1-5/6-97 Dated 10 Proddatur, the 24/04/97

The following Rotational Transfers for the year 1997-1998 are issued with immediate effect:-

S/Shri

1. N. Krishniah, A.P.M. (SE) Proddatur H.O. to be Post Master-Proddatur H.O. vice srl 2 below.

2. M. Lakshmaiah, Post Master, Proddatur H.O. to be S.P.M. Holmespet L.S.G. S.O. on relief.

3. J. Jayaramudu, B.C.R.P.A. Proddatur H.O. to be A.P.M. (S.D) Proddatur H.O. To make a first move vice srl 1 above.

4. U.R. Subbarayudu, S.P.M. Holmespet L.S.G. S.O. to be S.P.M. Vainpalle S.O. Transfer at request and without TA/TP vice srl 5 below.

5. M. Subramanyam Chetty, S.P.M. Vainpalle S.O. to be S.P.M. - Mydekur - on relief by Shri U.R. Subbarayudu.

6. S. Brahmaiah, S.P.M. Mydekur L.S.G. S.O. to be A.P.M. (S.D), Proddatur H.O. on relief by srl 5 above.

II

7. P.V. Narayana, S.P.M.-Jammalamadugu L.S.G. S.O. to be S.P.M.-Duvvur vice srl 8 below.

8. M. Prasad, S.P.M.-Duvvur S.O. to be S.P.M.-Muddanur vice srl 9.

9. J. Rangappa, S.P.M.-Muddanur S.O. to be S.P.M.-Yerraguntla vice srl 10 - at request without TA/TP.

10. V. Kambagiri Rao, S.P.M.-Yerraguntla S.O. - to be S.P.M.-Jammalamadugu S.O. - vice srl 7 - Transfer at request without TA/TP.

III.

11. M. Gurappa, S.P.M.-Jammalamadugu East S.O. to be S.P.M.-Proddatur Fort S.O. - at request without TA/TP.

12. Ch. Moulali, Postal Asst - Proddatur H.O. to be S.P.M.-Jammalamadugu East S.O. vice srl 11 - at request without TA/TP.

13. K. Ramaniiah, Postal Asst-Duvvur S.O. to be S.P.M.-Donnara, Nandyala S.O. - on relief.

IV.

14. Y. Narayan Reddy, S.P.M.-Veerapalayamipalle S.O. - to be S.P.M.-Agadur S.O. vice srl 15.

15. Ch. Kudalalan, S.P.M.-Agadur S.O. to be Postal Asst-Pulivendla L.O. on relief.

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16. M. Chandrayudu, S.P.M.-Kondapuram S.O. - to be S.P.M.-
Pendlimarri S.O. vice P.V. Subbanna, retiring on 31.5.97.
17. P. Yohan, S.P.M.-Dommara Nandyala S.O. to be S.P.M.-
Korlapuram S.O. vice srl 16.
18. C. Pitchaiah, Postal Asst-Kamalapuram S.O. to be S.P.M.-
Veerapunayunipalle S.O. vice srl 14 (to make first move)
19. J. Subramanyam, S.P.M.-Lavanur S.O. to be S.P.M.-Ankalina-
mmapeta T. S.O. (Pulivendla) - At request without TA/TP.
20. K. Peddanna, S.P.M.-Proddatur Fort T. S.O. to be Postal
Asst-Proddatur H.O. - on relief by srl 11.
21. H. A. Jabbar, S.P.M.-V.V. Reddy Nagar S.O. to be Postal
Asst - Proddatur H.O.
22. R. Ganganna, Postal Asst - Jammalamadugu L.S.G. S.O.
to be Postal Assistant-Muddanur S.O. (to make first
move)
23. D. Giravaiah, Postal Asst-Muddanur S.O. to be Postal
Asst-Jammalamadugu L.S.G. S.O. vice srl 22.
24. S. Ravi Kumar, Postal Asst-Pulivendla H.O. to be
Postal Asst-Jammalamadugu L.S.G. S.O. - at request
without TA/TP.

(P. KULLAYA SWAMY) B. Sc.
Supt of Post Offices
PRODDATUR: 516 361.

Copy of this Memo is issued to:-

- 1 to 24 : The officials
- 25 to 49 : Personal files of the officials.
- 50 to 74 : Service Books of the officials through the
Post Masters concerned.
- 75 to 78 : Post Masters-Proddatur/Pulivendla H.Os
- 79 to 95 : S.P.Ms-Holmespet, Vainpalle, Mydekur, Jammala-
madugu, Muddanur, Duvur, Yerraguntla, Jammala-
madugu East, Dommara Nandyala, Veerapunayuni-
palle, Agadur, Korlapuram, Pendlimarri, Katta-
lapuram, Ankalammipeta, Proddatur Fort, V.V.
Reddy Nagar.
- 96 to 99 : All Sub Divisional Officers.
- 100 to 110 : Spare copies.

Supt of Post Offices
PRODDATUR DN: 516 361.

TC
28/11/97
Counsel for the
applicant

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Jammalamadugu.

Date: 17/12/97.

From:

M.Ch. MULALI,
Sub-Post Master,
Jammalamadugu East TSO,
JAMMALAMADUGU - 516 434.

To:

The Post Master General,
A.P. Southern Region,
K U R N O O L - 518 005.

Through Proper Channel.

Respected Sir,

Sub:- Postings in the Cadre of P.O. & RMS
Accountants in Proddatur Division.

- - -

I humbly submit that I am posted now as Accountant Office of the Superintendent of Post Offices, Proddatur Memo. No.B/1-5/6/97 dated 10-12-97. In this connection I beg to state the following for favour of sympathetic consideration and favourable orders.

I humbly submit that I have passed PO & RMS Accountants Examination held on 17-5-90 (Vide CO Letter No. RE/24-3/90 dt. 9-8-90). I was posted as Accountant, Pulivendla H.O. Vide Superintendent of Post Offices, Proddatur Memo. No. B/1-5/5111 dt. 16-4-91. Then I declined the said post and it was accepted by the then Superintendent of Post Offices, Proddatur after making a reference to Office of the Post Master General, Kurnool by him and the said orders were cancelled (Vide Memo. No.B/74 dated 5-6-91).

When I was asked to intimate whether I am willing to work as Accountant or I decline permanently to be posted as Accountant through the SPOs Proddatur letter No.B/1-6/38/94 dated 11-1-95, I submitted a representation dt. 17-1-95.

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declining the Post of Accountant permanently. Though declined permanently to work as Accountant as per the instructions of Superintendent of Post-Offices, Proddatur contained in the letter referred to above I was again posted as Accountant Proddatur H.O. Vide S.P., Proddatur Memo.No.B/1-2/3 dt.24-10-95. Then, I submitted an appeal to the Post Master General, Kurnool (against the orders of S.P.Os. Proddatur) praying for cancellation of the said orders explaining the circumstances then prevailed. But to my misfortune, I have not heard anything till today on my appeal. Mean while I have been appointed in the higher scale of pay of Rs.1400-40-1800-EB-50-2300 (in the pre-revised scale) with effect from 24-10-95 under T.B.O.P. Scheme vide S.P. Proddatur Memo. No. B/1-6/35 dt. 30-10-95.

After getting promotion I have expressed my willingness to work in Independent charges. Accordingly I have been transferred and posted as Sub-Post Master, Jammalamadugu East 'C' Class, so in the Rotational Transfers issued in May, 1997. Then I presumed that my letter of declining the post of Accountant might have been accepted and allowed me to continue in General line on opting. Now I am again posted as Accountant Divisional Office, Proddatur Vide Memo. No.B/1-5/6/97 dated 10-12-97. In this connection I may kindly be permitted to bring the following to your kind notice.

- a) I submit that I have never worked as Accountant or in the accounts branch even for a single day during my entire service in the department.
- b) I have neither caused loss to the department either in the form of Manual days or monetary nor inconvenienced the department either before or after passing the PO & RMS accountants Examination.

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- c) The Post of Accountant is a Time Scale one. Being in LSG Cadre I will not get any kind of allowances attached to the post. More over I will loose the benefits like Rent free quarters and other allowances (in the form incentives for MIS, IVP/Issue, Discharge etc., attached to the post in which I am now working. Thus there is heavy monetary loss to me, If I am shifted from the post of Sub Post-Master.
- d) I have declined the Post of Accountant permanently and opted for General line.
- e) The Posts of Accountants are vacant in the division right from the date of my passing the Examination and those were managed by time scale clerks all these years. I presume that it may not be necessary for the administration to compel me to work as Accountant. Now I once again to state that I am un-willing to work as Accountant and I am willing to work in General line only.

In the circumstances explained above, I pray the benevolent Post Master General, Kurnool to kindly consider my case sympathetically and cause cancellation of orders postings me as Accountant Divisional Office.

The Xerox copies of the following letters/representations/memos are submitted herewith for favour of ready reference.

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Copy of OA also
is to be sent to
Respondents

21/1/98

TYPED BY
COMPAKED BY

I Court

CHECKED BY
APPROVED BY

21/1/98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 20-12-1997

ORDER/JUDGMENT:

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

in

O.A.No. 1741/97

T.A.No. CW.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

