

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.346/97

Date of Order: 28.4.97

BETWEEN :

N.Babaiah

.. Applicant.

AND

Union of India represented by :-

1. Chief Post Master General,
A.P.Circle, Hyderabad.

2. Post Master General, Kurnool,
Region, Kurnool.

3. Supdt. of Post Offices,
Guntakal Postal Division, Guntakal. .. Respondents.

Counsel for the Applicant

.. Mr.D.Subrahmanyam
for
Mr. K.S.R.Anjaneyulu

Counsel for the Respondents

.. Ms.Naga Vani for
Mr.K.Ramulu

CORAM:

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

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

JUDGEMENT

(Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.D.Subrahmanyam for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Ms. Naga Vani for Mr.K.Ramulu, learned standing counsel for the Respondents.

2. The applicant is an ST candidate working as Postal Assistant. He had completed 22 years of service on 1.7.95. He submits that by virtue of his position he is eligible for

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promotion to HSG Gr-II in the scale of pay of Rs.1600-2660 under the BCR against shortfall of ST quota. The applicant was not found fit for posting him against that shortfall ST quota in the DPC held on 25.3.96 for posting HSG Gr-II from 1.7.95. He was informed by the impugned order No. B1/BCR/96, dt. 7.8.96 (A-1) that the circle office has passed him over against ST shortfall vacancy w.e.f. 1.7.95.

3. This OA is filed for setting aside the impugned order No. B1/BCR/96, dt. 7.8.96 and for a consequential direction to the respondents to consider his case by a review DPC for promotion to HSG II as on 1.7.95.

4. The learned counsel for the ~~respondents~~ submits that there is no bench mark for promotion of ST candidates. Whoever possess the necessary seniority should be promoted even though they are not found fit for promotion. // The learned counsel for the ~~respondents~~ ^{the applicant} further submits that those who ^{were} found fit should be promoted; the method of deciding the fitness of an ~~employee~~ applicant is on the basis of the confidential report. The DPC will check the confidential report and take a decision in accordance with the law in regard to giving BCR promotion. In view of the above we call ^{for} ~~for~~ the selection proceedings dt. 25.3.96. In the selection proceedings 6 SC candidates were empanelled and 6 ST candidates were also empanelled. Though the applicant is an ST candidate ~~as~~ he was passed over. It is not the case of the applicant that none of the ST candidates were empanelled. His only request is that he should also be empanelled irrespective of the bench mark. The selection proceedings revealed that confidential report of 5 years were seen for finding the fitness of the candidate for posting against the BCR promotion. Out of the 5 C.Rs the applicant had secured

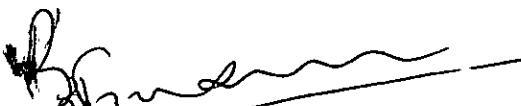
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He was 4 average reports and one good report. It was also censured in the year 1993. Considering the above, the DPC had come to the conclusion that the applicant is not fit for the promotion to BCR. We do not find any irregularity and anything wrong in the selection proceedings. Hence the selection proceedings have to be upheld. The applicant further submits that he had been promoted w.e.f. 1.7.96 on the basis of the same C.Rs. When he was considered for 1.7.96 ^{one more} ~~the same~~ CR had to be added. That would have ~~change~~ ^{change the complexion} the complex of the DPC proceedings. Hence we do not find any irregularity if the applicant had passed over on 1.7.95 and on 1.7.96. Though censure is not to be considered the very fact the applicant had got only 4 average reports out of 5 CRs that itself is the reason for passing him over.

5. In view of what is stated above we find no substance in the OA and hence the OA is dismissed. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
28/4/97


(R.RANGARAJAN)
Member (Admn.)

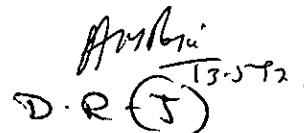
Dated: 28th April, 1997

(Dictated in Open Court)

Note:

Selection proceedings were perused and returned back.

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D.R. (T) ^{T3-J-T2}

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Copy to:-

- 1- The Chief Post Master Generak, A.P.Circle, Hyd.
2. The Post Master General, Kurnool,Region, Kurnool.
3. The Supdt. of Post Offices, Guntakal Postal Division, Guntakal.
4. One copy to Mr.D.Subrahmanyam for Mr. K.S.R.Anjaneyulu, Advocate, CAT, Hyd.
5. One copy to Naga Vani for Mr. K.Ramulu, Advocate, CAT, Hyd.
6. One copy to D.R.(A), CAT, Hyd.
7. One duplicate.

APR 12/6/92

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. RAGHAVAN : M(A)

AND

THE HON'BLE SHRI B.S. DAI PARAMESHWAR:
M(J)

DATED:

28/4/92

ORDER/JUDGEMENT

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

in

C.A. NO. 346/92

ADMITTED INTERIM DIRECTIONS ISSUED.
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

