

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 95/97

DATE OF ORDER : 18-09-1998.

Between :-

D.Nagi Reddy

... Applicant

And

Union of India rep. by

1. The Director General Ex.Officio  
Secretary, Dept. of Posts,  
New Delhi.
2. The Secretary, Govt. of India,  
Dept. of Personnel & Grievances,  
North Block, New Delhi.
3. Chief Post Master General,  
AP Postal Circle, Hyderabad.
4. Post Master General, Vijayawada  
Region, Vijayawada.

... Respondents

-- -- --

Counsel for the Applicant : Shri K.S.R.Anjaneyulu

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

-- -- --

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).



-- -- --

 ... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

Heard Sri D.Subrahmanyam, for Sri K.S.R.Anjaneyulu, counsel for the applicant and Sri W.Satyanarayana for Sri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant in this OA was recruited as Male Family Planning Extension Educator in the scale of Rs.210-380 (pre-revised scale) by order dt.10-11-1972. He was declared quasi-permanent with effect from 10-11-1975. As per the recommendations of the IV Pay Commission the applicant was fixed in the scale of Rs.1400-2300. On 1-11-93 he was awarded a stagnation increment with effect from 1-11-93. The government of India, Ministry of Finance and circular dt.22-10-91 by ~~governor~~ OM dt.13-9-91 /introduced a scheme of one promotion in service career of Group 'C' and 'D' employees on fulfilling the conditions laid down in page-2 of the reply affidavit. It is also clarified in D.G.Letter No.2-11/91-PE.I dt.19-12-94 in respect of Group-C employees, cases where promotional grade (next higher scale of pay) is not specified for the purpose, the matter should be referred to Directorate for examination.

3. The applicant submits that he has submitted representation dt.30-9-94 (Annexure-II page-12 and 13 to the OA) for granting him one promotion as per the career advancement programme as stipulated in OM dt.13-9-91. He further submitted another representation dt.20-9-96 (Annexure-4 page-16 & 17 to the OA) for deciding his case quickly. It is stated that no decision has been taken so far.

4. Aggrieved by the above, he has filed this OA praying

- 3 -

for a direction to the respondents to consider the case of the applicant for grant of next higher grade called 'In Situ' promotion in terms of Govt. of India OM dt.13-9-91 from the <sup>dt.</sup> he became eligible i.e. from 1-11-94 with arrears and other consequential benefits.

5. Above facts was also confirmed by the respondents in their reply. Standing Counsel for the respondents also states that the applicant had fulfilled the requirement for giving him promotion under the said scheme but it is stated that for the purpose of promotion there should be an avenue in the cadre first. The matter is under consideration of the Government. It is further submitted that the Vth Pay Commission has submitted its recommendations to Government and the same is under the active consideration of the Government also. It is further submitted that a decision will be arrived at soon.

6. When the 'In-Situ' promotion scheme was introduced by OM dt.13-9-91 and the applicant had became eligible as per that scheme in the year 1994 and he had submitted a representation, the respondents cannot delay indefinitely the matter. Such a lethargy on the part of the respondents cannot be accepted. The respondents themselves submitted that the applicant had fulfilled the conditions as indicated in the OM dt.13-9-91. <sup>Hence</sup> a decision should have been taken by now. The main question to be decided <sup>wholly</sup> is that there is <sup>any</sup> avenue for promotion in the cadre. If there is no avenue, the applicant should normally be fitted in the next higher scale. It is not understood why the Government is taking such a long time for deciding such a small issue. It is <sup>essential</sup> preferable

R

D

....4.

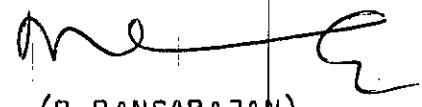
- 4 -

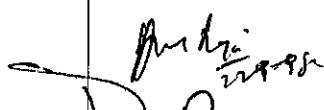
that a firm decision should be taken by the Government in this regard ~~very quickly~~.

7. In view of the above, the respondent authorities are directed to dispose of his representation deciding the avenue of promotion in the cadre for fixing him in the higher scale within a period of two months from the date of receipt of a copy of this order.

8. The Original Application is ordered accordingly. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
Member (J)  
18/9/98

  
(R.RANGARAJAN)  
Member (A)

  
D.R.

Dated: 18th September, 1998.  
Dictated in Open Court.

av1/

OA. 95/97

Copy to:-

1. The Director General Ex.Officio Secretary, Dept. of Posts, New Delhi.
2. The Secretary, Dept. of Personnel & Grievances, North Block, New Delhi.
3. The Chief Post Master General, A.P. Postal Circle, Hyderabad.
4. The Post Master General, Vijayawada Region, Vijayawada.
5. One copy to Mr. S.R. Anjaneyulu, Advocate, CAT., Hyd.
6. One copy to Mr. N.R. Devaraj, Sr.CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

8/10/98

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 G.S. JAI. PARAMESHWAR:  
M(J)

DATED : 18/9/98

ORDER/JUDGMENT

M.A/2.A/G.P.NO.

in  
O.A.NO. 95/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

