

FORM NO . 21 (Sec. Rule 114)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No. 12221 1997

L.S. Sammalath Applicant(s)

Versus

in CPM 4, AB, NudA 30 Respondent(s)

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Signature of 16/4/99 Head
in Record Section.

Signature of S.O.

-- 2 --

OA 1222/97

Date

Office Note

Orders.

29/1/99.

At the request of the
applicants Counsel, list
on 15/2/99.


HBSTP
M(T)

HRRN
M(B)

22/2/99


At the request of the Applicants
Counsel, list on 3/3/99.

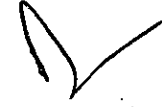

HBSTP
M(S)


HRRN ~~M(B)~~
M(B)

Due3-3-99.


list on 8/3/99.



HBSTP
M(T)


HRRN
M(B)

9/3/99

list it tomorrow.


HBSTP
M(T)


HRRN
M(B)

C.A. No.

1222

of 1997.

L. S. Sarma

Applicant(s).

V E R S U S.

The Chief Post Master General, AB circle,

And 3 others

(Respondents).

Date

Office Note.

ORDER

15/9/97

HA is allowed.

List the DA for admission

on 17. 9. 97.

Jr

HBSP

M.D,

HARN
M.D)

12-9-97

Heard Sri V. Appal Raju for
the applicant and Sri Phani
Kumar for the respondents.

2. Admit.

Jr
HBSP
M.D)

HARN
MCA)

Admit/Notice
Cw
12/9/97
Tasued
at
10/9.

18/12/97

List is on 28/12/97.

HBSP
M.D)

HARN
MCA)

DW

4.1.99

Post on

27.1.99

Bo

HBS
M.D)

HARN
MCA)

OA-12222/97.

3

15-3-99.

It is stated that the name of the applicant is wrongly printed as ~~B.S. Sharma~~ B.S. Sharma. it should be L.S. Sharma. The cause list may be corrected.


19/3/99

HBSTP
MUD

HARRN
MUD

At the request of the Applicant's Counsel, list on 31/3/99.



HBSTP
MUD



HARRN
MUD

052

1-4-99

OA is ordered vide order on separate sheets. No Costs.


HBSTP
MUD


HARRN
MUD

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1222 OF 1997.

L.S. Sarma and others

(Applicants(s))

VERSUS

Union of India, Repd. by.

The chief Postmaster General, A.P.

Hyderabad and others

Respondent(s).

The application has been submitted to the Tribunal by
Shri Y. Appala Raju Advocate/party-in-
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on _____

As
11/1/97
Scrutiny Asst.

Amr
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested
been filed. yes
12. Has the applicant exhausted all available remedies. 43
13. Has the Index of documents been filed and pagination
done properly. 43
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Form. I been made. 43
15. Have required number of envelopes (file size) bearing
full addresses of the respondents been filed. 43
16. (a) Whether the relief sought for, arise out of
single cause of action. -
(b) Whether any interim relief is prayed for, 43
17. (c) In case an MA for condonation of delay is filed,
is it supported by an affidavit of the applicant. -
18. Whether this cause be heard by single Bench. -
19. Any other points. -
20. Result of the Scrutiny with initial of the scrutiny
clock. May be filed

Ar
11/11/07
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

.....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Sl. No. 2910/97

Report in the Scrutiny of Application.

Presented by Mr. Y. Appala Raju Date of Presentation. 10/9/97

Applicant(s) L. S. Sarma and 2 others

Respondent(s) The CPMA, A.P. Hyd on 3 on.

Nature of grievance Promotion

No. of Applicants 3 No. of Respondents 4

CLASSIFICATION.

Subject.....No Department.....Postal.....(No)

1. Is the application in the proper form, (three complete sets in paper books form in two compliations). Yes
2. Whether name description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes
(b) Has the copies been duly signed. Yes
(c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language other than English or Hindi been filed. -
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPO/DO, for Rs.50/- Yes
10. Has the impugned order's original, duly attested legible copy been filed. Yes

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

INDEX SHEET

O.A. NO. 1222 of 1997.

CAUSE TITLE L. S. Sarma

V. S. U. S.

In C.M.C., A.P., Nud & 30th

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7. Re-Plg statement filed by MW.
K. Anaykare Rm 29/1/98

8. Rejoinder filed by Mr. Y. Appala Raju Adv. ~~C.A.T.~~
on 5/3/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD-500004.

O.A., No. 1222 OF 1997.

Application filed under Section 19 of the Central Administrative
Tribunals Act, 1985.

-0-

BETWEEN:

L.S.SARMA, son of late R.D.Lakshminarayana Iyer,
aged 42 years R/O Hyderabad, Occupation: Accountant
Office of the Sr.Suptd.of P.Os, Hyderabad City Divn.
and 2 others. ...

AND

1.Union of India:Rep.by:
The Chief Postmaster-General, Andhra Pradesh Circle,
Hyderabad. and 3 others. ...

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Hyderabad,

12-09-97

Counsel for Applicant

Reg!- To set aside the impugned letter dt 4-8-97, 11-8-97 and 27-8-97 and direct the respondents to consider the case of the applicants for promotion to the posts of lower selection grade Accountants in accordance with their seniority.
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD-500004.

Bench case

O.A., No. 1222 OF 1997.

Promotion
postal CO

BETWEEN:

L.S.SARMA, son of late R.D.Lakshminarayana Iyer,
aged 42 years, R/O Hyderabad: Occupation: Accountant,
Office of the Sr. Supdt. of P.Os, Hyd. City Divn.,
and 2 others.

... APPLICANTS

A N D

1. Union of India: Rep. by:
The Chief Postmaster-General, Andhra Pradesh Circle,
Hyderabad and 3 others.

... RESPONDENTS.

CHRONOLOGY OF EVENTS

Sl.No.	Date	Authority	Brief particulars of event.
1.	18-12-1959	DG P&T	Clarifications reg. PO & RMS Accountants.
2.	12-3-1970	do	do do
3.	07-01-1974	do	Clarification on seniority & Promotion.
4.	02-11-1976	do	1976-Recruitment Rules introduced.
5.	23-06-1978	Date of appointment of Sri.B.V.Ramanaiah as P.A.	
6.	21-11-1981	do	do Sri.V.K.Ravichander as P.A.
7.	23-11-1981	do	do Smt.Rajini Natarajan as P.A.
8.	31-08-1983	do	do Sri.L.S.Sarma as P.A.
9.	1986	Year of passing of PO & RMS Accountants Examn. by Smt.Rajini Natarajan.	
10.	1987	do	by Sri.V.K.Ravichander.
11.	1989	do	by Sri.L.S.Sarma
12.	1990	do	by Sri.B.V.Ramanaiah.
13.	08-06-1994	Clarifications on TBOP/BCR Schemes by DG Posts.	
14.	03-07-1994	Promotion of Sri.B.V.Ramanaiah under TBOP	
15.	29-11-1994	Promotion of posting of Sri.B.V.Ramanaiah as LSG	
16.	13-02-1995	DG Posts	Clarification on TBOP/BCR Schemes.
17.	24-02-1995	Judgement of C.A.T(PB) New Delhi in OA 45/91.	
18.	02-05-1995	Promotion and posting order of Sri.B.V.Ramanaiah.	
19.	09-01-1996	Promotion and posting orders of Sri.Bed Singh.	
20.	08-02-1996	DG Posts	Clarification on TBOP/BCR Schemes.
21.	30-5-96	Representation of Smt.Rajini Natarajan.	
22.	15-06-1996	do	of V.K.Ravichander.
23.	09-09-1996	do	of Smt.Rajini Natarajan.
24.	06-12-1996	do	of L.S.Sarma
25.	08-01-1997	do	of Smt.Rajini Natarajan.
26.	20-01-1997	do	of do & L.S.Sarma.
27.	04-08-1997	SSPOs SD	Rejection of claim of Smt.Rajini-Natarajan.
28.	11-08-1997	SSPOs, HDC	do Sri.L.S.Sarma.
29.	27-08-1997	SSP SD	do V.K.Ravichander.

Hyderabad-4,
10-09-1997.

Counsel for Applicant.

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD-500004.

O.A., No. 1222 OF 1997.

Application filed under Section 19 of the Central Administrative
Tribunals Act, 1985.

-0-

BETWEEN:

1. L.S. Sarma son of late R.D. Lakshminarayana Iyer,
aged 42 years, R/O Hyderabad, presently
employed as Accountant, Office of the
Senior Supdt. of Postoffices, Hyderabad City Divn.,
Hyderabad-500 001.A.P.
2. Rajini Natarajan (Smt.) W/O A.P. Natarajan,
aged 35 years, R/O Hyderabad, presently employed as
Accountant, Secunderabad HO (on deputation to
P.L.I Section, Office of the Chief Postmaster-General,
Andhra Pradesh Circle, Hyderabad.500 001), and
3. V.K. Ravichander son of V.S. Krishna Murthy,
aged 36 years, presently employed as
Accountant, Secunderabad H.O.500 003 .

... APPLICANTS.

AND

1. Union of India : Rep.by:
The Chief Postmaster-General,
Andhra Pradesh Circle, Hyderabad-500 001,
2. The Director of Postal Services,
Hyderabad City Region, Office of the
Chief Postmaster-General, A.P. Circle,
Hyderabad.500 001,
3. The Senior Supdt. of Postoffices,
Hyderabad City Division, Hyderabad.500 001 and
4. The Senior Supdt. of Postoffices,
Secunderabad Divn. Secunderabad.500 016.

... RESPONDENTS.

: DETAILS OF APPLICATION :

1. PARTICULARS OF APPLICANTS : The particulars of the
Applicant are as mentioned in the cause title above. The address
of the applicants for the purpose of service of summons, notices

No. of corrections: Nil

Attestor

: *Prasanna*

P. S. Sarma
APPLICANT.

processes etc. is as that of their counsel :

Y.APPALA RAJU,
Advocate,

H.No. 283, Indraprastha Township Phase.I.,
Vuanyanger, Saidabad, Hyderabad.500 059. A.P.

2.PARTICULARS OF RESPONDENTS : The particulars of respondents and their addresses for the purpose of service of summons, notices etc., are as that mentioned in the cause title above.

3.ORDERS AGAINST WHICH THIS APPLICATION IS MADE :

(a) Order number and date. : (i) Lr.No.B1/2/Acct/Dlgs/97 dt.11-8-97
of Sr.Suptd.of P.Os,Hyd.City Divn.
(ANNEXURE. I Page. 18)

(b) Issued by : (ii) Lr.No.B2/TBOP/BCR/Dlgs.dt.4-8-97
of Sr.Suptd.of Postoffices,
Secunderabad Division.
(ANNEXURE. II Page 19)

(iii) Lr.No.B2/TBOP/BCR/Dlgs.dt.27-8-97
of Sr.Suptd.of Postoffices,
Secunderabad Division.

(ANNEXURE. III Page 20)

(c) Subject in brief : The erstwhile juniors to the Applicants have been promoted to Irregular promotion of juniors to Lower Selection Grade ignoring the seniority of the Applicants. Lower Selection Grade Accountants grade under TBOP Scheme ignoring the seniority of applicants in the PO and RMS Accountants cadre owing to anomalies in the scheme and also in the Rules of recruitment.

4.JURISDICTION OF THE TRIBUNAL : The applicants declare that the subject matter of the orders and against which they seek redressal is within the jurisdiction of this Hon'ble Tribunal under the provisions of Section 14 (1) of the Central Administrative Tribunals Act,1985.

5.LIMITATION : The applicants also further declare that the Application made is within the period of limitation prescribed in Section 21(1) of the Central Administrative Tribunals Act,1985 as they are aggrieved by the orders passed by the respondents during the month of August,1997 as mentioned in para 3 above.

No.of corrections: one
Attestor : [Signature]

[Signature]
DEPONENT.

: 3 :

6. FACTS OF THE CASE :

6.1. The Applicants humbly submit that they are initially recruited and appointed as Postal Assistants in the scale of pay of 975/1660 in the respondent's offices as shown below:

Sl.No.	Name of the official	Date of appointment	Unit in which appointed.
1.	L.S.Sarma	31-08-1983	Postal Asst. Hyd.City Divn.
2.	Rajini Natarajan(Smt)	23-11-1981	Postal Asst. Secunderabad Divn.
3.	V.K.Ravichander	21-11-1981	Postal Asst. Secudnerabad Divn.

While working in the said posts on regular basis, the applicants have qualified in the Post Office and Railway Mail Service (PO and RMS for short) Accountants Examination during the years noted against each as shown below:

Sl. No.	Name of official	Year of passing	Date from which working as PO and RMS Accountant.
1.	L.S.Sarma	1989	29-9-1993
2.	Rajini Natarajan(Smt.)	1986	7-12-1986
3.	V.K.Ravichander	1987	06-03-1988.

The applicants are continuing to work as PO and RMS Accountants on regular basis from the dates noted against each above.

6.2. The posts of PO and RMS Accountants are posts carrying duties and responsibilities relatively higher as compared to ordinary Postal Assistants in the scale of Rs.975/1660. They are selected through a special Deptl.qualifying examn. held through-out the country by the Dept.of Posts. Only those qualified in the said examn. are ordinarily posted against posts of PO and RMS Accountants. Those posted on regular basis get a fixed rate of Special Pay which is granted in lieu of higher pay scale.

P.Sarma
DEPONENT.

No.of coorections: one

Attestor : me

6.3. The officials working as PO and RMS Accountants with special pay constitute a distinct category of officials and they are eligible for promotion to the next higher cadre of Lower Selection Grade (LSG for short) Accountants in the scale of pay of Rs.1400/2300 on completion of 10 years of service. Their promotions are governed by the statutory recruitment rules promulgated ^{the proviso to} under Article 309 of the Constitution of India (Published in the Gazette of India at Pp.2883 to 2897 on 2-11-1976) which was communicated by the DG Posts & Tels. under No.6/26/73-SPB.II. dated 30-9-76 (ANNEXURE. W Page 21 to 45)

These Recruitment Rules are called " Posts and Telegraphs (Selection Grade Posts) Recruitment Rules, 1976 and have come into force on the date of their publication in the official gazette i.e., on 2-11-1976. These recruitment rules still continue to be in force as they have neither been amended, or superseded or replaced by another set of Recruitment Rules till date.

6.4. Under the said recruitment rules and as per the Schedule attached to these recruitment rules, the method of recruitment prescribed for promotion to the posts of ' Lower Selection Grade' Accountants which is again a distinct and separate cadre as distinguishable from the one for General Line Selection Grades, the conditions to be fulfilled are set out against serial 15 which appears at pages 18 and 19 of the Schedule attached to 1976 Recruitment Rules. (ANNEXURE. W Page 21 to 45)
The method of selection prescribed is:

By promotion :

- (i) 63 and 2/3 % : on the basis of Seniority cum fitness, and
- (ii) 33 and 1/3 % : by selection.

Eligibility : Clerks in Postoffices (now redesignated as Postal Assistants) with 10 years of regular service in the grade who have passed the PO & RMS Accountants Examn.

No. of corrections: one

Attestor : Bong

DEPONENT.

: 5 :

The selection is done through a Deptl. Promotion Committee constituted at the circle level and there is no direct recruitment to this cadre. It would thus be clear that two vital conditions need to be fulfilled for considering ~~an~~ official for promotion to LSG Accountants Cadre Viz.,

- (a) He/She should have put in a regular service of 10 years as Postal Assistant and
- (b) Should have also qualified in the PO and RMS Accountants Examn.

Those who passed the PO and RMS Accountants Examn. were only eligible to be considered for promotion to the Posts of LSG Accountants and thus this was an exclusive promotional channel open to PO and RMS Accountants.

For those who did not qualify in the PO and RMS Accountants Examn., a separate channel of promotion to Lower Selection Grade in Post Offices in the scale of Rs.1400/2300 has been provided (Item 1(1) pages 14 and 15 of the Schedule attached to 1976 Recruitment Rules (Annexure IV Page 21 to 45)) In otherwords, the promotional channels available to each category of officials i.e., PO and RMS Accountants and other ordinary Postal Assistants constituted ^{to be} separate ones and hence not interchangeable. The distinguishable difference between two channels being that in the case of promotion to LSG Accountants in the scale of Rs.1400/2300 one should have necessarily qualified in the PO and RMS Accountants Examn. besides fulfilling other conditions whereas in the case of promotion to ordinary Lower Selection Grade posts in the post offices, one need not have passed the PO and RMS Examn. For each group, a distinct number of posts in the higher grade (i.e., LSG) have been ear-marked.

6.5. The issues relating to the seniority and method of promotion in respect of PO and RMS Accountants have been repeatedly clarified by the D.G., Posts, New Delhi from

D. S. Somani
DEPONENT.

No. of corrections:

Attestor :

time to time.

(a) As per the instructions contained in DG P&T Letter No.9/12/58-SPB.II. dated 18-12-1959 (ANNEXURE. V Page 46) appointments to the posts of PO & RMS Accountants are to be made from amongst such officials as have passed the PO and RMS Accountants Examn. according to their seniority in the Divisional Gradation List. When an official has been appointed in a regular vacancy of a P.O and RMS Accountant or Asst. PO & RMS Accountant he will not be displaced subsequently by a senior official, who may qualify in the examn. held subsequently. In such cases, the senior official will have to wait for the occurrence of a clear vacancy.

(b) For promotion to Lower Selection Grade Accountants which is constituted as a separate cadre as per 1976 recruitment Rules, those who have qualified in PO and RMS accountants Examn. were alone eligible according to the year of passing the PO and RMS Accountants Examination. Those qualifying in the same year will be appointed in the order of their seniority in the Clerical cadre. This decision has also been further confirmed in letter No.9-10/68-SPB.II dated 12-3-1970 by the DG Posts and Tels. (ANNEXURE. VI Page 47).

(c) The Director-General, Posts and Tels. New Delhi in his letter No.9-8/72-SPB.II. dated 7-01-1974 (ANNEXURE. VII Page 48) further clarified the position relating to the seniority of PO and RMS Accountants for the purpose of promotion to the posts of LSG Accountants as follows:

" 2. The seniority list for the purposes of promotion to the posts of LSG Accountants is to be prepared on the basis of the year of passing the PO & RMS Accountants' Examn., the inter-se-seniority of those passing in the same year being fixed according to the seniority in the clerical grade. It has been represented that in some circles the senior qualified officials do not become eligible for being considered for

No. of corrections:

Attestor

:

P. S. Sharma

DEPONENT.

the posts of LSG Accountants because they have not put in the requisite ten (10) years of service in the clerical cadre so as to become eligible for being considered for LSG Accountants' posts, though officials junior to them in the grade of PO & RMS Accountants' are considered for the post in LSG just because they have put in the requisite years of service in the clerical Grade. The intention of fixing the seniority is never that a senior qualified person should be left out of consideration just because he has not put in the requisite years of service in the clerical grade. If the senior is left out only on that account and a junior is to be considered because he has the necessary service, the question of relaxing the provisions of recruitment rules so as to make the senior also eligible for being considered notwithstanding the service limit in the clerical grade, has to be considered. You are therefore, requested to ensure that if cases arise where a junior is to be considered overlooking the claims of a senior because of the service limit, the case is to be referred to us for purpose of granting the necessary relaxation so that the senior is also brought within the zone of consideration notwithstanding the fact that he has not put in the requisite ten years of service in the clerical grade."

These rules are still in force and have not been superseded till date.

6.6. Subsequently, a meeting of the Departmental Council under the Joint Consultative Machinery scheme (JCM for short) was held in the year 1983 with the members of the service unions and staff side to consider provisions of adequate promotional avenues of Postal Employees wherein it was decided that a scheme of two time bound promotions in one's service career (a) on completion of 16 years of service and (b) other after completion of 26 years of service should be introduced. This new scheme called 'Time Bound Promotion Scheme' was framed and introduced in the Dept. of Posts

[Signature]
DEPONENT.

with effect from 30-11-1983 vide DG Posts New Delhi letter No.31-26/83-PE.I. dated 17-12-1983 (ANNEXURE. VII) Page 19 to 63 ; This scheme was also made applicable to the Postoffice and R.M.S Accountants cadre, vide para 21 of the scheme according to which they should be placed in LSG scale of pay only on completion of 16 years of service.

6.7. By an order issued under No.9-3/94-SPB.II. dated 8-6-1994 which is subsequent to the new scheme (TBOP) introduced from 30-11-1983, the cadre of LSG Accountants/APM A/Cs was declared as a Divisional Cadre with effect from 8-6-94. (ANNEXURE. IX Page 64). Clarifying the above

Divisionalisation scheme, the DG Posts further stated thus: (X)

QUERY.

(v) Whether these orders relate to promotion and transfer or both as the term 'Divisionalisation' has not been clarified.

So far as the term 'Divisionalisation' as mentioned in our orders dt. 8-6-94 is concerned, it relates to only transfer liability. No other aspect of LSG Accountants order has been changed. In other words, there is no change so far as promotion to LSG Accountants at Circle level is concerned nor there is any change with regard to Disc., appointing/administrative authority.

(vi) How the surplus qualified candidates in a division is to be adjusted.

Since the promotion of LSG Accountants is done at Circle cadre level, the surplus qualified candidates of one division are to be posted in the other

No. of corrections: me

Attestor

: me

P. S. S. S. S.
DEPONENT.

deficient division as per the existing procedure.

In the circumstances stated above the PO & RMS Accountants continued to be a distinct cadre and were eligible to be promoted to next higher cadre i.e., LSG Accountants' in the scale of Rs.1400/2300 as per the provisions of the 1976 - Recruitment Rules as per the year of passing and on completion of 10 years of clerical service with PO & RMS Accountants qualification.

6.8. It was also clarified by the D.G.Posts in his letter No.22-5-/95-PE.I. dated 8-2-1996 (ANNEXURE. X1 Page 68 to 69) that in the case of all officials whose seniority was adversely affected by implementing the TBOP/BCR schemes, placing their juniors in the next higher scales of pay, such officials will also be considered for the next higher scale of pay from the date their immediate juniors became eligible for the next higher scale of pay irrespective of the method of promotion to LSG.

6.9. In pursuance of the TBOP/BCR Schemes introduced by the D.G.Posts. one Sri. B.V.Ramamaiah, whose date of entry in the clerical grade is 23-06-1978 was promoted to the next higher grade of Lower Selection Grade in the scale of pay of Rs.1400/2300 with effect from 3-7-1994 on completion of 16 years of service in the lower grade i.e., Clerical Grade in the scale of pay of Rs.975/1660. He had qualified in the PO and RMS Accountants Examination held in 1990 and was holding the post of PO & RMS Accountant in the scale of pay of Rs.975/1660 with a special pay of Rs.90/- p.m from May, 1990. He was junior to the applicants herein who had passed the same examination much earlier to him and were also holding similar posts from the dates as shown in para 6.1 above which are much earlier to him. The applicants though passed the PO & RMS Accountants Examn. much earlier to Sri.B.V.Ramamaiah and were also holding the said posts from dates much earlier

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than the date from which Sri.B.V.Ramanaiah was continuously working, they were denied of their right to be considered for promotion to the next higher post either under the statutory Recruitment Rules of 1976 or under the orders issued pursuant to the new promotional schemes i.e., 'TBOP/BCR schemes' introduced.

6.10. Aggrieved by the above action of the respondents, the applicants have submitted repeated representations to the respondents which were rejected on the dates noted against each as shown below:

Sl. No.	Name of the official	Date of representation.	Details of letter of rejection.
1.	L.S.Sarma (ANNEXURE. <u>XII</u> Page 70) do <u>XIII</u> page 71-72.) do <u>XIV</u> Page 73)	29-8-96, 06-12-1996 20-01-1997.	Lr.No.ST/5-2/Spl.BCR/ CO/II dt. 29-07-97 of CPMG, AP (R-1) commu- cated in letter No.B1/2/Acct/Dlgs/97 dated 11-08-1997 of R-3.(ANNEXURE. <u>I</u> p. 18)
2.	Rajini Natarajan(SMT) (ANNEXURE. <u>XV</u> Page 74) do <u>XVI</u> Page 75) do <u>XVII</u> Page 76-77) do <u>XVIII</u> Page 78-80) do <u>XIX</u> page 81)	30-5-96, 9-9-96, 6-12-1996, 8-1-1997 20-1-97	Lr.No.ST/5-2/Spl.BCR/ CO/II. dt. 29-7-97 of CPMG, AP (R.1) commu- nicated in letter No.B2/TBOP/BCR/Dlgs. dated 4-8-97 of (R.4) (ANNEXURE. <u>II</u> p. 19)
3.	V.K.Ravichander (ANNEXURE. <u>XX</u> Page 82) (ANNEXURE. <u>XXI</u> Page 83-85)	15-6-96 6-8-97	Lr.No.ST/5-2/Spl.BCR/ Dlgs. dt. 26-8-97 of CPMG AP (R-1) Communicated in Lr.No.B2/TBOP/BCR/ dlgs.dt. 27-8-97 of R-4. (ANNEXURE. <u>III</u> p. 20.)

These representations were rejected by the 1 st.respondent on the ground that the request of the applicants for promotion to Lower Selection Grade could not be considered as the same

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is based on length of service. The applicants have also brought to the notice of the respondents the decision of the Hon'ble C.A.T Bench (Principal Bench) New Delhi dated 24-02-1995 in OA No.45/1991 filed by one Sri.Bed Singh who was similarly placed as that of the applicants. Though the decision given in the said case was equally applicable to the applicants, the respondents have arbitrarily rejected the claims of the applicants.

6.11. The applicants, therefore, respectfully submit that they have passed the PO and RMS Accountants Examination much earlier to Sri.B.V.Ramanaiah as stated in para 6.1 above and were eligible to be promoted to the next higher grade i.e., Lower Selection Grade in the scale of Rs.1400/2300 on completion of 10 years of clerical service under the statutory recruitment rules issued in 1976 (ANNEXURE IV Page 21 to 45) which continue to be still in force and in as much as their junior i.e., B.V.Ram^{na}iah has been promoted to the higher post overlooking the rights and eligibility of the applicants. This is in blatant violation of the clarifications issued by the 1st respondent in his letter No.9-8/72-SPB.II dt.7-1-1974 (ANNEXURE V Page 48) which categorically provided for necessary relaxation in the matter of length of service. The respondents have also failed to extend the benefits of clarification issued in their letter dated 8-2-1996 (ANNEXURE VI Page 68 to 69) even under the new schemes of TBOP/BCR which are intended to broaden the opportunities of promotion to all ~~adres~~² of employees. There has thus been an undeniable discrimination and arbitrary denial of legitimate promotion to the applicants which needs to be remedied to meet the ends of justice.

7. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

7.1. The Applicants most humbly submit that the impugned orders of the respondents denying the higher pay scale of Rs.1400/2300 and promotion to Lower Selection Grade (LSG

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Accountants) on par with their junior i.e., B.V. Ramiah are highly arbitrary, discriminatory and unsustainable on the following grounds besides other relevant grounds.

The applicants herein have been working as regular Postal Assistants and also qualified in the PO and RMS Accountants' Examination and also completed more than 10 years of service as Postal Assistants in the scale of Rs.975/1660. As they were eligible to be considered for promotion to next higher cadre i.e., Lower Selection Grade in the scale of pay of Rs.1400/2300 on completion of 10 years of clerical service with PO and RMS qualification as provided for in the statutory Recruitment Rules, 1976 (Item 15 of the Schedule attached to these recruitment Rules) they should have been promoted as per their turn according to the year of passing the PO and RMS Examination. The instructions issued in their letter No.9-8/72-SPB.II dated 7-1-1974 (ANNEXURE Vii page 48) have also provided that if a senior is left out on the ground that he had not put in the requisite length of service in the clerical grade, his case is to be referred to Director-General, Posts for the purpose of granting necessary relaxation so as to bring the senior also within the zone of consideration for promotion to the higher post.

7.2. The respondents have themselves clarified in their letter No.9-3/94-SPB.II. dated 13-2-1995 (ANNEXURE X page 65 to 67) that except for transfer liability, no other condition of ISG Accountants viz., promotion at circle level, disc.authority, administrative authority or appointing authority have been changed. This is the position even after the introduction of TBOP scheme from 30-11-1983 and BCR Scheme in 1993. The new schemes are in the shape of executive instructions issued to serve the limited purpose of extending broad based promotional avenues to the officials and they are supplementary to the statutory orders i.e., 1976 Recruitment Rules which have not been

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repealed, superseded or abridged so far. The existing facility of promotion on completion of 10 years of clerical service with PO & RMS Accountants Examination pass under the 1976 Recruitment rules cannot be taken away by an executive order issued at a later date which adversely affects the service interests of the officials concerned without proper notice and amendment of the statutory rules governing such promotions. The main purpose of introducing the Time Bound Promotion Scheme is to accelerate the channels of promotion and is not definitely to curtail them to some cadres. As such the benefits available to the applicants under the relevant statutory recruitment rules cannot be abridged or modified to their disadvantage by an executive order contrary to the avowed purposes and intents of the scheme itself. In order to overcome such anomalies only the orders dated 7-1-1974 and 8-2-96 were issued to protect the interests of seniors. However, the respondents have failed to appreciate this aspect and arbitrarily rejected the justified claims of the applicants.

7.3. The claims of the applicants are similar to those agitated earlier by one Sri. Bed Singh before the Principal Bench of the Central Administrative Tribunal, New Delhi in O.A NO.45/1991 which was decided on 24-2-1995 (ANNEXURE. ~~XXII~~ page 86 to 93.). In that judgement it was held by their lordship that the applicant therein was entitled to promotion under the statutory rules of 1976, though not promotion under TBOP scheme. In the present case, the applicants have all completed 10 years of clerical service and also qualified in the PO and RMS Accountants Examination. Since their junior i.e., Sri. B.V. Ramanaiah who passed the PO and RMS Accountants examination much later has been considered and promoted to the LSG Accountant in pursuance of the orders contained in Memo No. B3/TBOP/PAS/III. dated 29-11-94 (ANNEXURE ~~XXIII~~ Page 94 to 95) and Memo No. B3/RT/95/III. dated 2-5-95 (ANNEXURE ~~XXIV~~

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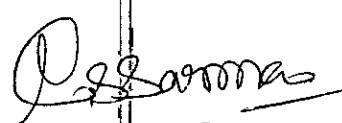
page 96) their cases should have also been considered as per the instructions contained in letter No.9-8/72-SPB.II dated 7-1-1974 (ANNEXURE. VII Page 48). The applicants are not claiming promotion under the TBOP scheme, but are claiming to be considered for promotion as per the 1976 recruitment rules which continue to be still in force.

7.4. The applicants further submit that the decision of the Hon'ble Central Administrative Tribunal (Principal Bench) New Delhi in OA No.45/1991 (decided on on 24-2-1995) have been implemented ^{by} the respondents in that O.A vide their Memo No.Staff/RV/Postal/IX. dated 9-1-1996 of the CPMG, New Delhi circle (ANNEXURE. XXXV page 97). He has been promoted to the Lower Selection Grade Accountants cadre with effect from the date his juniors were promoted with all consequential benefits. The applicants are similarly placed and are entitled to the same benefits i.e., promotion to the LSG Accountants cadre from the date their immediate juniors were promoted to higher cadre.

7.5. It is further submitted that the accrued rights of the applicants to get promotion to LSG Accountants cadre earlier to their juniors as provided for under the statutory recruitment rules of 1976 cannot be altered or taken away by the respondents by issue of administrative instructions subsequently without amending the statutory recruitment rules.

7.6. The applicants further submit that as per the rules framed in exercise of the powers conferred under the proviso to Article 309 of the Constitution which are mandatory in nature, the service conditions of the officials coming under the purview of the said rules cannot be altered by executive orders or instructions. The seniority of the applicants is governed under the following Mandatory Rules as incorporated in the P&T Manual Vol.IV.

" RULE. 27-B Promotion to LSG of the clerical cadre should be made normally in order of seniority."


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As per the statutory recruitment rules, 1976, the applicants who had qualified in the PO and RMS Accountants Examn, much earlier to Sri.B.V.Ramanaiah should have been considered for promotion to LSG Accountants cadre on par with their junior as amply clarified in letter dated 7-1-1974.(Annexure. VI page 48).As already stated, TBOP scheme is not an amendment to the statutory rules, but only an administrative order aimed at enlarging the promotional avenues but not to curtail the existing ones under statutory rules.

7.7. The applicants further submit that the judgement delivered by the Hon'ble Principle Bench, Central Administrative Tribunal, New Delhi ^{in OA No.45/91 on 24-2-95} is judgement in rem and should have been made applicable to all persons similarly placed and seeking similar remedies.

7.8. In the circumstances stated above, the applicants humbly submit that they are governed by the statutory recruitment rules of 1976 and hence entitled to be considered for promotion to the next higher grade of Lower Selection Grade in the scale of Rs.1400/2300 from the date their junior i.e., Sri.B.V.Ramanaiah has been promoted by virtue of their seniority in the feeder cadre and as per the year of passing the examination as prescribed under the said rules.

8. DETAILS OF REMEDIES EXHAUSTED : The applicants respectfully submit that they have submitted their representations to the respondents herein on the various dates as stated in para 6-10 above which have been rejected by the respondents on the dates noted against each therein and thus have fully availed the remedies open to them under relevant service rules. They are thus left with no other choice except to approach this honourable Tribunal seeking immediate intervention and justice.

9. MATTERS PREVIOUSLY FILED OR PENDING: The Applicants further submit to declare that they had not previously filed

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any applications or writ Petitions or suits regarding the matter in respect of which this application has been made before any court or any other authority or any other bench of the Tribunal, nor any such applications, Writ Petitions or suits are pending before any court or Tribunal.

10. RELIEFS SOUGHT: The applicants most humbly pray that in view of the valid facts and relevant circumstances stated in paras 6 and 7 above, this Honourable Tribunal may be pleased to grant the following reliefs:

- (i) to set aside the impugned orders of the 1st. respondent issued on ~~29-7-1997~~ ^{11-8-97, 4-8-97 and 21-8-97} and ~~26-8-97~~ vide his Memo No.ST/5-2/Spl.BCR/CO/II. as communicated by the 3rd. and 4th. respondents,
- (ii) to direct the respondents to consider the cases of the applicants for promotion to the posts of Lower Selection Grade Accountants in accordance with their seniority and as per the Recruitment Rules, 1976 from the date their immediate junior i.e., Sri. B.V.Ramanaiah was promoted;
- (iv) to grant the consequential benefits like arrears of salary and allowances and seniority etc.
- (v) to award costs of this application.

and to pass such other order or orders or directions or relief as deemed fit and proper in the circumstances of the case and in the interests of justice and equity.

11. INTERIM RELIEF: The applicants humbly submit that as the subject matter, reliefs sought for and the grounds are similar to those agitated before the Hon'ble Principal Bench, Central Administrative Tribunal in O.A No.45/91 and decided on 24-2-1995, their case may kindly be disposed of early by fixing an early date of final hearing and to pass such other order or orders or directions as deemed fit and proper in the circumstances of the case.

12. DETAILS OF INDEX: An Index showing the details of

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Material papers filed and to be relied upon along with a chronology of Events is enclosed to this Original Application.

13. PARTICULARS OF DEMAND DRAFT/INDIAN POSTAL ORDER FILED:

The following are the details of Indian Postal Orders filed:

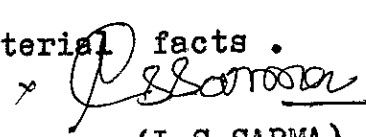
- (a) Indian Postal Order No. : 08 12 228935, (Rs. 50/-) A
(b) Date of Issue : 23-08-1997 ~~P.O. No. 12.8.1997~~ ~~Remitted~~
(c) Value : Rs.50/- (Rupees fifty only)
(d) Office of issue : Saidabad SO. Hyd. 59.
(e) In favour of : The Registrar, Central Administrative Tribunal, Hyderabad Bench at Hyderabad.4.
(f) Whether crossed : Yes.

14. LIST OF ENCLOSURES : The following are the documents that are enclosed to the Original Application.

- (a) Vakalatnama duly executed. (d) Chronology of Events.
(b) Indian Postal Order of Rs.50/- (e) File pad.
(c) Material papers with Index. (f) Addressed envelopes. (4)

: V E R I F I C A T I O N :

We, the applicants herein as shown in the Cause title in detail, Occupation : PO and RMS Accountants working in the Offices of the respondents 1, 3 and 4 herein and all residents of Hyderabad do hereby verify the contents of paras 1 to 6 are true to our own personal knowledge and those of paras 7 to 14 above are believed to be true as per legal advice and that we have not suppressed any material facts.

x 
(L.S.SARMA) Applicant:1.

x 
(RAJINI NATARAJAN (Smt) :2.

x 
(V.K.RAVI CHANDER) do 3.

Solemnly affirmed and
signed in my presence at
Hyderabad on 10th Sept.1997


Counsel for Applicant.

Before me.


ADVOCATE. Hyderabad.

ANNEXURE - I

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DEPARTMENT OF POST - INDIA
Office of the Senior Supdt. of Post Offices,
Hyderabad City Division,
Hyderabad-500 001

~~*~*~*~*~*~*~*~*

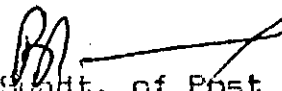
To
Sri L.S. Sarma,
Accountant,
% Sr. Supdt. of Post Offices,
Hyderabad City Division,
Hyderabad-500 001.

No. B1/2/Acctt/Dlgs/97 dtd. at Hyderabad-1 the 11-08-1997.


Sub : Promotion to LSG under TBOP Scheme - case of Sri
L.S. Sarma, Accountant, % Sr. Supdt. of Post
Offices, Hyd City Divn., Hyd-1.

--: 0 :*-

The Circle Office vide letter no ST/5-2/Spl. ECR/CO/II
dated 29-07-1997 intimated that the Directorate has examined your
representation and intimated that your request for promotion to
TBCF under modification scheme could not be considered as
TBOP/ECR is based on length of service. This is for information.


Senior Supdt. of Post Offices,
Hyderabad City Division,
Hyderabad-500 001

"T.C. Attached"


Advocate.

ANNEXURE
11
31/8

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कोर- 7/Corr.-7

भारतीय डाक विभाग / DEPARTMENT OF POSTS, INDIA

कार्यालय / Office of the
वरिष्ठ डाक घर अधीक्षक
सिक्कराबाद मण्डल - 500 096.
Senior Superintendent of Post Offices,
Secunderabad DN: Hyderabad-500 016.

AD Mr. Rajam Natarajan

Office Secy Secy DN.

On deputation at - P.H. Section
o/o P.O. H. Secy 16 U. 4.8.97

B2/100P/BER/dls dls o Hsec 16 U. 4.8.97

Subj: - Promotion to L.S. Secy
1 B.O.P. Secy.

[Handwritten mark]

Re Co. Voluntary Letter No. ST/s-2/5/97.

BER/CO/11 dls 27.7.97 has intimated

that your request for promotion to

T.B.O.P. under modification scheme

could not be considered as T.B.O.P. BER

is based on length of service.

[Handwritten mark]

मुख्य पोस्टमास्टर जनरल का कार्यालय
Chief Postmaster General
कोर. सं./C.R. No:
- 6 AUG 1997
आंध्र प्रदेश प्रादेशिक
ANDHRA PRADESH CIRCLE
(सिक्कराबाद/Secy Secy DN)

1,1000Panchganga Printers, Hyd.

वरिष्ठ डाक घर अधीक्षक
सिक्कराबाद मण्डल - 500 096.
Senior Superintendent of Post Offices,
Secunderabad DN: Hyderabad-500 016.

Mr. C. A. Arora

[Handwritten signature]
Adm Secy

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Annexure (II)

कोर - 7/Corr.-7

भारतीय डाक विभाग/DEPARTMENT OF POSTS, INDIA

कार्यालय/Office of the

Sri V. K. Ravichander

वरिष्ठ डाक घर अधिकारी

सिन्दूरबाद मण्डल - 500 096.

Senior Superintendent of Post Offices,

Secunderabad DN: Hyderabad 500 016.

Acc-

See Memo No 500003.

B2/700/BCA/20p दिनांक 27-8-97

Sub: Promotion to the cadre of
LSG under modification scheme

Ref: your report 6.8.97 of
C B R Ksd - 1

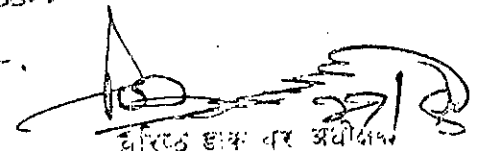
The Circle Office in their letter

No. ST/S-2/SPL.BCA/EDN दिनांक 26-8-97
has intimated that your request for

Promotion to TAO/B under modification
scheme could not be considered as

TAO/B is taken on leave of absence
and you will be continuing as TAO/B

in the PO cadre.



वरिष्ठ डाक घर अधिकारी

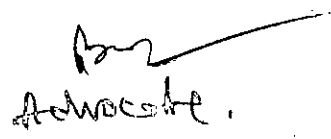
सिन्दूरबाद मण्डल - 500 096.

Senior Superintendent of Post Offices,

Secunderabad DN: Hyderabad 500 016

10002 Panchavati Art Printers Hyd.

"TRUE COPY - M. Red"


Advocate.

there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax:

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

7. Savings:

Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other categories of persons in accordance with orders issued by the Central Government from time to time in this regard.

Indian P&T (Selection Grade Posts)

Original Recruitment Rules 1962

Circulated vide Director General Post & Telegraphs No. 6/27/59-SPB II dated 17/2/62 notified in Part II Section III(1) of the Gazette of India dated 10/3/62 - GSR No. 197

As amended vide Director General of Post & Telegraphs No. 4/20/73-SPB II dated 21/11/73 notified in Part II Section III(1) of Gazette of India dated 26/1/74 - GSR No. 111

Published in Part II, Section III,
sub-section (1) of the Gazette of India
dated 29/11/76 at pp 2833 to 2897

MO. 6/26/73-SPB II
Government of India
Ministry of Communications
(Posts & Telegraphs Board)

Dated, New Delhi-110001, the
30/9/76

G.S.R. 1643-In exercise of the powers conferred by the prov so to article 309 of the Constitution and in supersession of the Indian Posts and Telegraphs (Selection Grade Posts) Recruitment Rules, 1962, the President hereby makes the following rules regulating the method of recruitment of persons to Selection Grade Posts in the Post Offices, Railway Mail Service Offices, Independent Postal Stores Depots, Returned Letter Offices, Foreign Post Offices and Circle Offices of the Posts and Telegraphs Department under the Ministry of Communications, namely:-

1. Short title:

1. These rules may be called Posts and Telegraphs (Selection Grade Posts) Recruitment Rules, 1976.
2. They shall come into force on the date of their publication in the official gazette.

2. Application:

These rules shall apply to the Selection Grade Posts specified in column 2 of the Schedule annexed to these rules.

3. Number Posts, Classification and scale of pay attached thereto shall be as specified in columns 3 to 5 of the said Schedule

4. Method of recruitment, age limit qualifications and other matters connected therewith shall be as specified in columns 6 to 14 of the Schedule aforesaid.

5. Disqualifications:

- No person,
 - a) who has entered into or contracted a marriage with a person having a spouse living; or
 - b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said posts, Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and

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Mar Age
Educational
Qualifications
prescribed for
Direct recruits
will apply in the
case of Promotees.

Period of
Probation,
if any.

Method of
recruitment
whether by:
direct re-
cruitment or
by promotion
or by deputation/
transfer & percen-
tage of the vacan-
cies to be filled
by various methods.

In case of rec-
ruitment by pro-
motion/deputation/
transfer, grades
from which promo-
tion/deputation
transfer to be
made.

If a depart-
ment Pro-
motion Commi-
ttee exists,
what is its
composition.

Circumstan-
ces in
which
Union Public
-c Ser-
vice Com-
mission is
to be con-
sulted in
making re-
cruitment.

9	10	11	12	13	14
Not applicable	Two years	50% by promotion and 50% by transfers	<p>Promotion from Higher Selection Grade-II General Line and transfer from Assistant Superintendent of Post Offices in the ratio of 50: 50: odd post going to general line. In the case of promotion the Higher Selection Grade-II official must have comple- ted 3 years' regular service in the grade.</p>	<p>1. A Director of Postal Services to be nominated by the Post- master General or if there are no such officers, the Postmaster General. 2 One Class-I officer of the Postal/ Railway Mail Service side, preferably a Director of Postal Servi- ces to be no- minated by the Postmas.</p>	Not applicable

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SCHEDULE

1.	Name of Post	Number of posts	Classification	Scale of pay	Whether Selection Post or Non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7	8
1-	Higher Selection Grade-I in post Offices.	225	General Central Services Non-Gazetted Minis-terial Group-C	R. 700-80-750-85-900	Selection Post for General line officials.	Not applicable	Not applicable.

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1.	2	3	4	5	6	7	8
2.	Higher selection Grade-I in Railway Mail Service Offices..	68	General Central Services Non-Gazette ed Ministerial Group- C.	Rs. 700- 30-760- 35-900.	Selection Post.	Not appli- cable.	Not applicable
3.	Higher Selection Grade- I in Reserved Letter Offices at Bombay and Calcutta.	2 (1 at Bombay and 1 at Cal- cutta.	General Central Services Non- gazetted Ministerial Group-3.	Rs. 700- 30-760- 35-900.	Selection Post.	Not appli- cable.	Not applicable.

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9	10	11	12	13	14
Not applicable	Two years	By promotion.	Higher Selection Grade-II in Railway Mail Service Offices with 3 years' regular service in the grade.	<ol style="list-style-type: none"> 1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side. 	Not applicable
Not applicable	Two years	By promotion.	Higher Selection Grade-II in the respective Returned Letter Office at Bombay or Calcutta, as the case may be, with 3 years' regular service in the grade.	<ol style="list-style-type: none"> 1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side. 	Not applicable.

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Provided that the number of
Lower Selection Grade Account-
ants promoted to Higher Selection
Grade-II posts does not at any
time exceed one for every five
of such posts or fraction thereof.]

LSG (General Line) official in RMS
having completed 3 years regular
service in the grade.

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10	11	12	13	14
Not applicable	Two years	By Promotion.	<p>[Lower Selection Grade/Inspector of Post Offices in Post Offices in the ratio of 50:50 - odd post going to General line officials. In every case the official must have completed 3 years regular service in the grade.]</p> <p>1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.</p> <p>2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.</p> <p>3. A Class-I officer of Telecom side.</p>	Not applicable
Not applicable	Two years	By Promotion.	<p>LSG (General Line) officials in P.O. having completed 3 years regular service in the grade.</p> <p>[Lower Selection Grade Accountants and Lower Selection Grade (General Line) officials in Railway Mail Service offices in the ratio of 20:80 with 3 years regular service in the grade subject to the following conditions :-</p> <p>Out of every five vacancies the first four vacancies shall be filled from the Lower Selection Grade (General Line) in Railway Mail Service and the fifth vacancy shall be filled from the Lower Selection Grade Accountants in Railway Mail Service.</p> <p>1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.</p> <p>2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.</p> <p>3. A Class-I officers of Telecom side.</p>	Not applicable

(31)

(31)

:- 11 :-

9	10	11	12	13	14
Not applicable.	Two Years	By Promotion.	Lower Selection Grade in the respective Returned Letter Office with 2 years' regular service in the grade.	<ol style="list-style-type: none"> 1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side. 	Not applicable.

Not applicable	Two years	By promotion	Lower Selection Grade in Foreign Post at Bombay with 3 years regular service in the grade.	<ol style="list-style-type: none"> 1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side. 	Not applicable.
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:- 10 :-

1	2	3	4	5	6	7	8
6.	Higher Selection Grade-II in Returned Letter Offices.	14	General Central Services Non- Gazetted Minist- erial Group-C.	5. 55-20- 650-25- 750-	Non-Selection post.	Not applicable	
7	Higher Selection Grade-II in Foreign Post at Bombay	7	General Central Services Non- Gazetted Minist- erial Group-C.	5. 550-20- 650-25- 750.	Non Selection Post	Not applicable	Not applicabl

9	10	11.	12	13	14
Not applicable	Two years	By Promotion.	Inspector of Post Offices/ Lower Selection Grade alternately, who have passed the Post Office Accountants examination and worked as Accountant thereafter for at least 3 years.	<ol style="list-style-type: none"> 1- A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/ Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side. 	Not applicable
Not applicable	Two years	By promotion.	Lower Selection Grade in Circle offices with 3 years' regular service in the grade.	<ol style="list-style-type: none"> 1. Postmaster General 2. The senior most officer on the Postal side next to Postmaster General. 3. A Class-I officer of Telecom side. 	Not applicable
				<p>•(i) <u>Postal Circle Office.</u></p> <ol style="list-style-type: none"> 1. General Manager Telecommunication. 2. The seniormost officer on the Telecom side next to General Manager Telecom. 3. A Group 'A' officer of Postal side. 	
				<p>•(ii) <u>Telecommunication Circle Offices</u></p>	

:- 12 :-

1	2	3	4	5	6	7	8
8	Higher Selection Grade-II Account- ants in Post Offi- ces.	2	General Central Services Non- Gazetted Minist- erial Group-C.	Rs. 550-20- 650-25- 750	Non-Selection post	Not applicable	Not applicable.
9	Higher Selection Grade-II in Cir- cle Offices.	11	General Central Services Non- Gazetted Minist- erial Group-C.	Rs. 550-20- 650-25- 750.	Non selection post	Not applicable.	Not applic

:- 15 :-

10	11	12	13	14	
Not applicable.	Two Years.	By Promotion.	Lower selection Grade in Independent Postal Stores Depots with 3 years' regular service in the grade.	1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side,	Not applicable
Not applicable	Two Years	By Promotion i) 1334 on the basis of seniority, competence; and ii) 2300 by selection.	Clerks in Post Offices with 10 years' regular service in the grade.	1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side.	Not applicable - G

:- 14 :-

1	2	3	4	5	6	7	8
10	Higher Selection Grade-II in Independent Postal Stores Depots.	3	General Central Services Non-Gazetted Ministerial Group-C.	Rs. 550-20-650-25-750.	Non Selection Post	Not applicable	Not applicable
11	Lower Selection Grade in Post Offices.	12960	General Central Services Non-Gazetted Ministerial Group-C.	Rs. 425-15-500-20-640.	Selection Post.	Not applicable.	Not applicable.

37

37

:- 17 :-

9

10

11

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13

14

Not
applicableTwo
years.

By Pro-
motion.
1) 66% on the
basis of seni-
ority-cum-fit-
ness;
and
11) 33% by sele-
ction.

Clarks or Sorters
in Railway Mail
Service offices
with 10 years'
regular service
in the grade.

1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.
2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.
3. A Class-I officer of Telecom side.

Not
applicable.Not
applicable.Two
years.

By Pro-
motion.
1) 66% on the
basis of seni-
ority-cum-fit-
ness;
and
11) 33% by
selection.

Clarks in the
respective Retur-
ned Better Offices
with 10 years' re-
gular services
in the grade.

1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.
2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.
3. A Class-I officer of Telecom side.

Not
applicable.

37

: 13 :-

A-W

2	3	4	5	6	7	8
1. Lower Selection Grade in Rail-way Mail Service Offices.	320 2	General Central services Non-Gazetted Ministerial Group-C.	3. 425-15-560-33-20-640	selection Post	Not applicable	Not applicable
2. Lower Selection Grade in Returned Letter Offices.	57	General Central services Non-Gazetted Ministerial Group-C.	3. 425-15-560-33-20-640	selection Post	Not applicable	Not applicable.

(39)

34

(5)

:- 19 :-

10	11	12	13	14
14 11- 10. Two years.	By Promotion:- i) 66% on the basis of seniority-cum-fitness; ii) 33% by selection.	Clerks in Foreign Post at Bombay with 10 years' regular service in the grade.	1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side. 3. Government Department.	Not applicable.
15 11- 10. Two years.	By Promotion:- i) 66% on the basis of seniority-cum-fitness; ii) 33% by selection.	Clerks in Post Offices with 10 years' regular service in the grade who have passed the Post Offices and Railway Mail Service Examination.	1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General. 2. One Class-I officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General. 3. A Class-I officer of Telecom side.	Not applicable.

Accountants

:- 18 :-

2	3	4	5	6	7	8
14. Lower Selection Grade in Foreign Post at Bombay	41	General Central Services Non-Gazetted Ministerial Group-C.	Rs. 425-15-560-EB-20-640	Selection Post.	Not applicable	Not applicable.
15. Lower Selection Grade Accountants in Post Offices.	538	General Central Services Non-Gazetted Ministerial Group-C.	Rs. 425-15-560-EB-20-640.	Selection Post.	Not applicable	Not applicable.

(51)

36

:- 21 :-

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10

11

12

13

Not
applicable.Two
years.

By Promotion:-
1) 66% on the
basis of seniority-
cum-fitness;
and
11) 33% by
selection.

Clerks or Sorters
in Railway Mail
Service Offices
with 10 years'
regular service
in the grade,
who have passed the
Post Offices and
Railway Mail
Service Accountants
Examination.

1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.
2. One Class-I officer of the Postal/Railway Mail Service, side preferably a Director of Postal Services to be nominated by the Postmaster General.
3. A Class-I officer of Telecom side.

14

Not
applicable.Not
applicable.Two
years.

By Promotion:-
1) 66% on the
basis of seniority-
cum-fitness;
and
11) 33% by
selection.

Clerks in Independent Postal
Stores Depots,
with 10 years'
regular service
in the grade.

1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.
2. One Class-I officer of the Postal/Railway Mail Service, side preferably a Director of Postal Services to be nominated by the Postmaster General.
3. One Class-I officer of Telecom side.

Not
applicable.

:- 20 :-

1	2	3	4	5	6	7	8
15.	Lower Selection Grade Accountants in Railway Mail Service Offices.	76	General Central Services Non-Gazetted Ministerial Group-C.	Rs. 425-15-560-EB-60-640	Selection Post.	Not applicable.	Not applicable.
17.	Lower Selection Grade in Independent Postal Stores Depots.	32	General Central Services Non-Gazetted Ministerial Group-C.	Rs. 425-15-560-EB-20-640	Selection Post.	Not applicable.	Not applicable.

9	10	11	12	13
Nct appli- cable.	Two years.	By Promotion:- 1) 66% on the basis of seni- ority-cum-fitness; and 11) 33% by selection.	Upper Division Clerks in the respective Circle Office with 10 years' regular service in the grade.	<p>(1) For Postal Circle Offices</p> <ol style="list-style-type: none"> 1. Postmaster General. 2. The senior most officer on the Postal side next to the Postmaster General. 3. A Class-I officer of Telecommunication side. <p>(11) Telecommunication Circle Offices</p> <ol style="list-style-type: none"> 1. General Manager Telecom. 2. The senior most officer of the Telecom side next to the GM Telecommunication. 3. A Group 'A' officer of Postal side.

Nct appli- cable.	Two years.	By Promotion:- 1) 66% on the basis of seni- ority-cum-fitness; and 11) 33% by selection.	Clerks in res- pective Mail Motor Service offices with 10 years regular service in the grade.	<p>1. DPS to be nominated by the PMG or there are no such officers the PMG himself.</p> <p>2. A Group 'A' officer of Postal/RMS side preferably a DPS nominated by the PMG.</p> <p>3. A Group 'A' officer of Telecom side.</p>
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Tc
The General Manager,
Government of India Press,
Ring Road, Maya Guri Industrial Area,
New Delhi-110001, (Near Rajouri Garden)

(V. B. MULCHANDANI)
ASSISTANT DIRECTOR GENERAL

1	2	3	4	5	6	7	8
18.	Lower Selection Grade in Circle Offices,	200	General Central Services Non- Gazetted Ministeri- al Group-C.	Rs. 425-15- 500-25- 15-560- 20-700.	Selection Post.	Not appli- cable.	Not appli- cable.
19.	Lower Selection Grade Clerks in Post & Telegraphs Mail Motor Service.	36	General Central Services Non- Gazetted Mini- sterial Group-C.	Rs. 425-15- 560-25- 20-640.	Selection Post.	Not appli- cable.	Not appli- cable.

:- 24 :-

Copy forwarded in advance for information to:-

1. All Heads of Postal Circles,
All Heads of Telecom. Circles,
All General Managers/Distt. Managers Telephone.
Heads of all other Administrative Offices.
2. SPB I/STN/NOG/CSE/Inspection/PE-I/PB II/TF Sections of the Directorate.
3. Members of the P&T Board.

Sd/-
(VIRENDRA SINGH)
SECTION OFFICER (SPB II)

- * P&T(SG Posts) Rectt.(Amendment) Rules, 1979 published in part II Section III(1) of Gazette of India dated 24/3/79 - GSR No. 460 at P. 377 - Advance copy No. 202/CO/78-STN dated 12/3/79 Effective from 24/3/79
- ** P&T (SG Posts) Rectt.(Amendment) Rules, 79 published in part II Sec. III(1) of Gazette of India dated 30/6/79 - advance copy-No. 4/10/79 SPB II dated 19/6/79 effective from 30/6/79
- *** P&T(SG Posts) Rectt.(second Amendment) Rules 1980 published in part II Sec. III (1) of Gazette of India dated 26/1/80 - GSR No. 131 at page 225 advance copy No. 4/10/79-SPB II dated 16/1/80 effective from 26/1/80

11- T.C. A.H. 11/79
A. K. K. K.

H N N E X E M U

(3) 24111 46

Copy of letter No.9/12/58-SPB-II dated 18th December, 1959 from the Director-General, P&T, New Delhi to All Heads of Circles,

39

Su - SENIORITY FOR APPOINTMENT TO THE POSTS OF POST OFFICE AND R. M. S. ACCOUNTANTS.

A reference is invited to Rules 276 and 276-A(a) of P&T Manual Vol.IV, according to which appointments to the posts of Time-Scale Accountants and Lower Selection Grade Accountants in Post Offices and R.M.S. are made from those officials who have passed the Post Office/R.M.S. Accountants' Examination in the order of their seniority in the clerical cadre. The question of revising the basis for appointment to these posts has been under consideration for some time past and it has now been decided as follows:-

- (a) Time-Scale Accountants:- These are allowed posts and do not form a separate cadre. Appointments to these posts will, as at present, continue to be made from amongst such officials as have passed the Post Office/R.M.S. Accountants' Examination, according to their seniority in the Divisional Gradation List. When an official has been appointed in a regular vacancy of a Time-Scale Accountant or Assistant Accountant, he will not be displaced by a senior official, who may qualify in the examination subsequently. The senior official in such a case will have to wait for the occurrence of a clear vacancy.
- (b) Lower Selection Grade Accountants:- This is a separate cadre and appointments to this cadre are made on a Circle basis. Appointments to these posts will, from the date of issue of these orders, be made according to the year of passing the Post Office/RMS Accountant's Examination. Those qualifying in the same year will be appointed in the order of their seniority in the Clerical cadre. These orders will not affect the seniority of officials, who have already been confirmed as Lower Selection Grade Accountants. Officials who were appointed before the issue of these orders against regular vacancies and are awaiting confirmation in their posts will continue to officiate in their posts. They will, however, be confirmed in their turn in accordance with the revised orders. For this purpose, the seniority of all officials who have passed the Accountants' Examination whether officiating or not will be refixed in accordance with the present orders.

No.ST.1-123/97 dated at Hyderabad-Dn-1 the 24/12 December, 1959.

Copy forwarded for information to:-

1. The Senior Superintendent of Post Offices, Hyderabad;
2. All other Superintendents of Post Offices in Hyderabad Circle;
3. The Superintendent, RMS 'Z' Division, Hyderabad;
4. The Postmaster, Hyderabad; and
5. File ST.1-153/R1g.

MT-C. A. A. A. A.

M. Narasimham
For Director, P&T, Hyderabad Circle.

bvjn;

Advocate

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
Office of the Postmaster-General, Andhra Circle, Hyderabad.
No. STA/1-4/Rlg, dated at Hyd-1, the 31 March 1970.

To

All Sr.Suptds / Suptds. of PCs / R.M.S.
Rectt. Sec. Circle Office, Hyderabad.

Sub: Seniority for appointment to the posts of PO and
R.M.S Accountants.

A copy of D.G. P&T. ND letter No.9/10/68-SPB.II
dated 12-3-70 is sent herewith for information and guidance.
The receipt of this letter may please be acknowledged.

D.A: Re fd to.
/az.

(V. Saidulu)
for Postmaster-General,
Andhra Circle.

31/3/70

Copy of D.G. P&T. ND letter No.9/10/68-SPB.II dated 12-3-70.

Sub: Seniority for appointment to the posts of
Post Office and R.M.S. Accountants.

I am directed to invite a reference to para 1(a)
of this office letter No.9/12/58-SPB.II dated the 18th
December, 1959 according to which appointment to the allowan-
ced posts of time scale Accountants are made from amongst
such officials as have passed the Post Offices/ R.M.S Accountants
Examination according to their seniority in the Divisional
Gradation list. Since then representations have been recieved
from service Unions and Associations concerned and from
Individuals for a change in the basis of reckoning seniority
from the seniority in the clerical cadre to the year of
passing the Post Office and R.M.S Accountants Examination.
The question has been under consideration for some time past
and it has now been decided in consultation with the
Ministry of Home Affairs that appointment to the allowed
posts of time-scale Accountants/Assistant Accountants should
be made according to the year of passing the Post Office and
R.M.S Accountants Examination; those qualifying in the same
examination will be appointed in the order of their posi-
tions in the Divisional Gradation list. This decision will
take effect from the examination to be held in 1970. Seniority
of those officials who have already qualified in examinations
held prior to 1970 for the purpose of appointment as
Accountant/Assistant Accountant will be determined in
accordance with the instructions contained in para 1(a)
of this office letter dated the 18-12-1959 i.e. in accordance
with their position in the Divisional Gradation list.

W. C. Andrews

Advocate

Annexure VII

48/41

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR-GENERAL POSTS AND TELEGRAPHS
SPB.II SECTION
@@@@@@@@@@@@@@

No. 9-8/72-SPB.II

Dated at New Delhi, the -7 JAN 1974

To

All Heads of Postal Circles.

.....

Subjects: P.O. & R.M.S. Accountants - Promotion as LSG
Accountants of officials who pass P.O. & R.M.S.
Accountants' Examination.

Sir,

I am directed to invite attention to this office letter of even number dated 8th March, 1973 on the subject referred to above..

2. The seniority list for purposes of promotion to the posts of LSG Accountants is to be prepared on the basis of the year of passing the P.O. & R.M.S. Accountants' Examination, the inter-se-seniority of those passing in the same year being fixed according to the seniority in the clerical cadre. It has been represented that in some Circles the senior qualified officials do not become eligible for being considered for the post of LSG Accountants' because they have not put in the requisite ten years of service in the clerical cadre so as to become eligible for being considered for LSG Accountant's post, though officials junior to them in the grade of P.O. & R.M.S. Accountants are considered for the post in LSG just because they have put in the requisite years of service in the clerical grade. The intention of fixing the seniority is never that a senior qualified person should be left out of consideration just because he has not put in the requisite years of service in the clerical grade. If the senior is left out only on that account and a junior is to be considered because he has the necessary service, the question of relaxing the provisions of the recruitment rules so as to make the senior also eligible for being considered notwithstanding the service limit in the clerical grade, has to be considered. You are, therefore, requested to ensure that if cases arise where a junior is to be considered overlooking the claims of a senior because of the service limit, the case is to be referred to us for purposes of granting the necessary relaxation so that the senior is also brought within the zone of consideration notwithstanding the fact that he was not put in the requisite ten years' service in the clerical grade.

Please acknowledge receipt of this letter.

Yours faithfully,

Rajagopalan

(R. RAJAGOPALAN)
ASSTT. DIRECTOR GENERAL (SPN)

11 To. AMM 1

102

Sd/- 11/4

- 50
- (f) Charge Allowances sanctioned to single handed and double handed offices, time scale Head Sorters and T/S Sub Record Officers stand withdrawn with effect from 30th Nov., 1983, vide paras 16 and 17 of the Directorate's letter. It may please be ensured that no charge allowance is paid with effect from 1.12.83.

3. A doubt may arise as to the procedure to be adopted in imposing the cut of 5% of posts in basic grades as enumerated in paras 9, 10 and 13 of the Directorate letter and whether the no. of LR posts should also be included in adopting the 5% cut. While the regular posts in basic grades are sanctioned on the basis of prescribed standards of work in the operative and other offices, the number of LR officials is sanctioned on the basis of sanctioned strength of clerks and other supervisory officials in respect of clerical cadres and postmen, Head Postmen and Mail Overseers, etc. in respect of Postmen cadres. The justification for sanction of LR strength is worked out separately for permanent and temporary posts in the basic grades. It is felt that it would be in order if the 5% cut prescribed is imposed in the abasic grade posts excluding LR strength but including the non-functional LSG posts and the justification for the LR strength in these cadres is worked out again on the basis of the reduced strength in basic grades and also the supervisory cadres, etc. pending clarification by the Dte. You are requested to take up a review of the posts to be reduced in basic grades and supervisory cadres, etc., in accordance with the above instructions and to furnish a report in the enclosed proforma by 27.12.83.

The fortnightly report xxx prescribed in Directorate's letter indicating the progress of implementation of the orders of promotion (Part A) will be sent to the Staff Section of this office from 1.1.84.

The receipt of this communication may please be acknowledged to Sri P. Narasimham, A.D. (Estt) of this Office by return of post.

Sd/- x x x
(D. Ramaprasada Rao)
A.P.M.G. (PMI)
for P.M.G., Hyderabad.

Enclt. No. A1/TBP/83 dated at SD-500025 the 4.1.1984.

Copy of this issued to:

1. All ASPOs/SDIs in Secunderabad Division.
2. All Postmasters in Secunderabad Division.
3. R&E Branch Divisional Office SD-25.
4. B1 Branch Divisional Office SD-25.
5. B2 Branch Divisional Office SD-25.
6. A2 Branch Divisional Office SD-25.
7. Accountant Divisional Office SD-25.

Sr. Supdt. of POs.,
Sec'bad Division
Secunderabad-25.

IMPORTANT/IMMEDIATE

Indian Posts & Telegraphs Department

A copy of Postmaster-General, Andhra Circle, Hyderabad-500001 letter No. EST/2.3/83-84 dated 20th December 1983 addressed to (1) All DPS, (2) All SEPOs/SPOs, (3) All SSRMS/SRMs etc. in Andhra Circle is produced below:

SUB: TIME BOUND PROMOTION TO REGULAR EMPLOYEES IN THE OPERATIVE CADRES IN P&T DEPARTMENT.

A copy of Directorate's letter No. 31.26/83_PE.I dtd. 17.12.83 on the above subject is forwarded herewith for immediate necessary action along with the enclosures referred to therein. The instructions contained in the letter should be carefully studied and implemented according to the time schedules prescribed therein.

2. The salient features of the scheme are as follows:

- (a) The officials working in the cadres referred to at Annexure.A are to be given promotion to the next higher grade after completing 16 years of service irrespective of their seniority subject to fitness and other formalities.
- (b) All the officials who have completed 16 years of service on 30th November 1983 and who are found to be fit for promotion have to be promoted to the higher grade w.e.f. 30th Nov. 1983 and latest by 29th Feb., 1984.
- (c) A cut of 5% of posts in the basic cadres has to be effected before 31.12.83. A cut of 15% of posts in Supervisory, LSG cadres and Mail Overseers/Sorting Postmen, etc. will be effected on Divisional basis. This exercise should also be completed by 31.12.83.
- (d) There will be no retrenchment of officials working in basic posts as a result of the cut in the posts and the procedure outlined in para no. 11 of the Directorate's letter will be followed.
- (e) While promotion of officials who have completed 16 years of service by 30th Nov. 1983 will be taken up immediately, the cases of officials, who will be completing 16 years of service during the period from 1.12.83 and 31.3.84 will be taken up during April 1984 and their cases will have to be finalised. Officials who become eligible for promotion after completion of 16 years of service beyond 1.4.84, the cases of all such officials who will be completing 16 years of service during that year will be processed and finalised in accordance with the instructions contained in para 4 of the Directorate's letter.

p.t.o.

(4) With effect from 1.4.84 onwards the Heads of Circles/Divisional Supdts./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 convened before 30th June to consider fitness of officials completing 16 years of service in the grade during the year. Officials who complete 16 years of service on a date later than that of convening of the meeting of the D.P.C. will be placed on the approved list and will be promoted to this next higher scale of pay immediately on completion of 16 years of service, subject to their being found fit by the D.P.C. 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 D.P.C. 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 D.P.C.

(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 year for non-completion of 16 years of regular service, but are promoted on the basis of recommendation of a subsequent D.P.C. In case, however, an official who is considered unfit by a D.P.C. (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 D.P.C.

(9) In the operative cadres covered by the scheme a 5% reduction will be effected in the sanctioned posts by the Heads of the 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, Post-men, Group 'D' etc., on a divisional basis. In other words, the 5% cut will not be effected office-wise. The total number of posts in a division will be taken into account and with

contd....

A - VIII

(51) 43

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

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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 J.C.M. 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 30.11.1983. 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 Annex A-I 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 16 years of service from 1.12.83 to 31.3.84. Hereafter, 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 cadres 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 who have completed 16 years of service before 30.11.83, the promotions to the next higher scale of pay will take effect from 30.11.1983.
- 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 D.P.C. formalities are completed and promotion orders issued at latest by 29.2.84.

Regular service in case of officials who have completed 16 years of

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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 will 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 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 number of posts justified comes to 103, then only 3 more posts will be sanctioned for the 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 Annex 'E' 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 Overseers/Sorting Postmen, 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. The filling up of these posts may be done on seniority. This will apply to 10% of posts in the case of Mail Guards also.

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of a review of establishment of the office done and the total

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mediate 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 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 Postman etc.), the number 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) (By name) that this has been done.

(11). As per the agreement with the staff side in the CIM, 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 in the different offices, care will be taken to see that the reduction of posts 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.

(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

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However, the officials belonging to PO & RMS Accountants cadre who have chosen the scale of pay of 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 of pay plus special pay retrospectively with effect from the date they chose the scale of pay of 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 notional basis may be taken into account for fixation of their pay subject to the conditions laid down in Govt. of India's Order No. 6, read with Annexure below FR 22 (Swamy's Compilation of P.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 33 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 33 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.

(1) In respect of the cadres which are covered under the scheme of time-bound one promotion, the orders issued vide P&T Ote. No. 31-19/74-P.T.I dated 15.6.74 and Ministry of Finance O.M. No. F.7(21) B. 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.

(111) The introduction of the scheme will not affect officials who have already been promoted on regular basis from all 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 in block senior to the officials who are placed in the next higher scale in pursuance of the new scheme.

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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 as special Allowance. Such posts of Jamadar should be identified and the officials holding these posts may be given special allowance. The 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 posts 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 postmasters which carry charge allowance at present will henceforth 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 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. & R.H.S. Accountants

P.O. & R.H.S. Accounts, who are in the time scale of pay plus special pay 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.

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(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 scheme.

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

The Heads of Circles and Administrative Offices will please send 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.H. Venkateswaran, ADG (PL).

Yours faithfully,
Sd/-

(S.K. Parthasarthy)
Deputy Director General (P)

A - VIII

(57) 26

AGREEMENT BETWEEN OFFICIAL SIDE AND STAFF SIDE OF P&T
DEPARTMENTAL COUNCIL OF THE JCM REGARDING INTRODUCTION
OF ONE TIME-BOUND PROMOTION SCHEME

The Staff side in the P&T Departmental Council has been demanding that the promotional prospects of P&T employees are inadequate and should be improved. It was suggested by them that every employee should be given one promotion after 15 years of service and a second after 25 years of service. In the P&T Dept. the supervisory posts are created on well-defined standards. The supervisory posts in higher grades cannot be sanctioned unless the base is widened. Considering the prevalent stagnation in the lower grades in the P&T Department, the official side pointed out that if promotional avenues are to be improved, substantial expenditure would have to be incurred and that was not possible unless matching savings are found. The staff side were agreeable to tightening of norms for sanction of staff and were willing to give higher productivity if their demand is concerned.

2. After careful consideration of the proposal, the Government has approved a scheme for giving one promotion to P&T employees excepting those categories of staff who are common with other Departments of the Government of India subject to the condition that increased productivity of the staff is ensured. The question of giving second promotion in an official's career will be preferred to the Fourth Pay Commission.

3. The Official Side and the Staff side of the P&T Departmental Council have agreed that with effect from 30.11.1983 (the date of signing of the agreement), the scheme of one time-bound promotion for the P&T staff excluding common categories, as per the details in Annexure to this agreement, may be introduced. The essential features of the scheme are:

(1) The scheme will cover regular departmental operative employees in the P&T Department as identified in the Annexure (excluding staff common to other departments such as LDCs/UDCs and peons in Circle Offices, Civil WIP and P&T Dispensaries).

(ii) All operative staff covered by the scheme will give higher productivity by 5 per cent and supervisory staff will give higher productivity by 15 per cent.

4. In view of the goodwill generated between the Staff side and the official side on the introduction of one time-bound promotion scheme in the P&T Department, it is agreed that the Staff Side would immediately examine dropping of pending items in the Departmental Council of the JCM which relate to the cadres which are covered by the Scheme and the Official Side would make all efforts to consider expeditiously proposals for restructuring of the cadres which are under the scheme.

5. In the background of the above settlement, the official and the staff side hope that the employees will exert themselves to the utmost not only to improve productivity but also to raise the tone and efficiency of the P&T Services.

Sd/-

A. Banerjee
Member (Adm)
P&T Board.

Sd/-

O.P. Gupta
Secretary General
IPPTL

Sd/-

K. Ramamurthy
Secretary General
IPPTO

(3)

to absorb all existing officials. The surplus officials will not be discharged but will hold supernumerary posts and will be adjusted against future vacancies. In the case of Circle cadres also the reduction will be made on divisional basis, if there are surplus officials in one Division they will be adjusted in other Divisions to the extent of available vacancies, the adjustment taking place at the end of the current academic year. The immediate exercise of reduction of posts should be completed before 31st December, 1983.

7. With effect from the date of introduction of the scheme the number of supervisory higher grade posts to which officials in the basic cadre are eligible for promotion (which are sanctioned on Standards including Mail Overseer and Sub Inspector cadres will be reduced by 15 per cent on divisional basis.

While calculating the reductions, fractions of 0.5 and above will be rounded off to the next integer. The officials who are posted such supervisory posts after reduction will be entitled for special allowances as indicated in Annexure B.

8. With effect from the date of introduction of the scheme, special pay sanctioned for basic grade posts as charge allowance will be withdrawn. However, special pay sanctioned on grounds such as for acquiring additional qualifications, for special training, for handling cash etc., will continue so long as these posts are held by the officials in the basic grade unless a special is prescribed in the higher scale also. The posts for which no special pay will be admissible are given in Annexure 'C'. The list contained in Annexure 'C' is tentative.

9. The posts which carry charge allowance at present mentioned in previous para will henceforth be manned by officials who have completed 16 years of service. In order to avoid inconvenience to the officials consequent on the introduction of the scheme in mid academic session, it is not necessary to deploy such officials against the posts which carry charge allowance immediately. Such deployment may be effected at the time of next academic year. Charge allowance to these posts will, however, stand withdrawn from the date of introduction of the scheme.

10. With effect from the date of introduction of the scheme, only officials who hold supervisory posts sanctioned on standards will be eligible for the special allowances referred to in para 5 above. Such of these senior officials as are entitled to hold supervisory posts but have to move out for want of posts in the stations of their posting where they are working may be allowed at their option to move out at the end of the academic year. But they will be eligible to draw the special allowances only when they actually work in the supervisory posts.

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ANNEXE I

1. The Scheme of time-bound (One) promotion for the regular departmental operative employees will take effect from 30.11.83 the date of signing of the agreement with the staff side of the JCM.
2. 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 complete 16 years of service in that grade, will be placed in the next higher scale. The cadres which will be covered under the scheme indicating the basic grade and the grades to which promotion will be given at the end of 16 years of services, are given in Annexure 'A'.
3. The Scheme will not apply to the categories of Staff common to other Departments.
4. On being placed in the higher pay scale, pay of such officials will be fixed by application of FR-22 C.
5. Immediately on introduction of the scheme, the officials who have already completed 16 years of regular service in respective grades will be identified and action will be taken to hold departmental promotion committee meetings for their promotion. The DPC will assess the fitness of all officials who have completed or will complete 16 years of service. All formalities should be completed within a period of 3 months and promotions will be granted retrospectively from the date of effect of the scheme.

The DPC will also consider the cases of officials who will be completing 16 years of service between 1st December, 1983 and 31st March, 1984. In their cases promotions will be given from the date they complete 16 years of service subject to normal procedure relating to promotion.

In subsequent years, on 1st of April of every year, the officials who will complete 16 years of service prospectively upto 31st of March next year will be identified and action will be taken to complete the DPC formalities within a period of 3 months. The officials who become eligible for promotion earlier than the date of the DPC, subject to their selection, will be given promotion retrospectively from the date they complete 16 years of service. Others who will complete 16 years of service after DPC formalities are over will be brought on the approved list and will be given promotion from their due dates, subject to normal procedures relating to promotion.

Posts in the basic grade will be upgraded to the higher grade with effect from the date the incumbent is promoted in the manner described above.

6. With effect from the date of introduction of the scheme, 5 per cent of sanctioned posts in each basic cadre will be brought under reduction of divisional basis. While calculating reduction, fractions of 0.5 and above will be rounded off to the next higher integer. If there are not sufficient vacancies

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11. Annexure 'D' lists certain posts in higher grades which do not carry supervisory duties. Out of these, posts to the extent of 10 percent of the total operative posts will be identified and the incumbents of these posts will be eligible to draw special allowance as indicated in para 5 above.

12. Since the scheme of time-bound one promotion will be operative continuously from the date of introduction of the scheme, the reduction of posts for ensuring higher productivity referred to paras (6) and (7) will be done every year on the 1st April in regard to the posts sanctioned during the previous financial year.

13. For sanction of supervisory posts on standards in higher grades, the number of post justified as per existing standards in the lower grades before reduction will be taken into account.

14. The officials who complete 16 years of service and who are not holding regular supervisory posts will continue to perform operative duties.

15. After promotion to the higher grade on completion of 16 years of service, the inter seniority of the officials in the basic grade will be intact till they are appointed against supervisory posts justified on standards.

16. The introduction of the scheme will not affect officials who have already been promoted on regular basis from the basic grades to the next higher grade before 30.11.83.

However, in respect of LSG grades the unfilled vacancies of 1/3rd quota upto 31.12.82, if any, will be filled up according to existing orders. There will not be any 1/3rd quota in LSG from 1.1.82.

17. The special allowance for supervisory posts mentioned in paras (8) and (11) above will not have the characteristics of special pay but will count for pensionary benefits.

18. PO, RMS and DTO Accountants who have retained the pay scale of Rs.380-620 will be given option to revert to basic time scale grade plus special pay so that they can take advantage of the scheme. If an official opts for reversion to time scale plus special pay, his pay and special pay will be notionally fixed from the date he was brought on the scale of 380-620. The excess pay and allowances, if any, drawn by him in 380-620 during this period will however not be recovered.

19. In respect of cadres which are covered under this scheme the orders issued in this Office Memo. No.31-19/74-PE.I dated 15.6.1974 and Ministry of Finance Memo No. F.7(21)-E.III(A)/74 dated 10.1.77 will not be applicable after 30.11.1983.

POSTAL

ANNEXE - A (1)

Cadres which will be covered under the Scheme

Category	Pay Scale	Pay Scales of Higher Grade in which officials completing 16 years will be placed
1. Group 'D' Test Category officials.	Rs. 196-232	Rs. 210-270
2. Postman, Village Postman, Mail Guard.	Rs. 210-270	Rs. 260-350
3. Postal Assistant, Sorting Assistant, Office Assistant, P.O. & R.M.S. Accountant, (Postal Assistant with Special Pay) of Rs. 45/- p.m. Postal Assistant in RLO.	Rs. 260-480	Rs. 425-640
4. Postal Machine Assistant Gd. II	Rs. 260-400	Rs. 380-560
5. Postal Machine Assistant Gd. I	Rs. 380-560	Rs. 425-750
6. Departmental Stamp Vendors (Dying Cadre)	Rs. 210-270	Rs. 225-308

A-5m

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TELECOM

ANNEXE B (2)

Category of Posts

Rates of Special Allowance

1. Jamedar Rs.15/- p.m.
2. Sub Inspector, Higher Grade Wireman Rs.25/- p.m.
3. Higher Grade Cable Splicer Rs.25/- p.m.
4. Section Supervisor in Telegraph and Engineering Wings, Supervisor in Telephone Exchange, Observation Supervisor, Lady Welfare Supdt. LSG Telegraph Master, Higher Grade Technicians Rs.35/- p.m.
5. Higher Grade Transmission Assistant, Higher Grade Auto Exchange Asstt. Higher Grade Wireless Operator, Higher Grade Phone Inspector. Rs.35/- p.m.

TELECOM

ANNEXE - C (2)

POSTS FOR WHICH NO SPECIAL DAY WILL BE ADMISSIBLE AFTER INTRODUCTION OF THE SCHEME

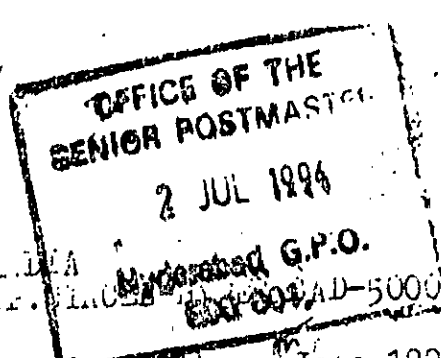
1. Lineman in charge of Sub Divisional Store.
2. Time Scale Telephone Operator in charge of exchange.
3. Time Scale Telegraphist in charge of Telegraph Office.
4. Wireless Operator in charge of single handed Wireless Station.
5. Transmission Assistant in charge of Repater Station.

15 T.C. - Attached

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Advocate

Annexure-1X



DEPARTMENT OF POSTS, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL - A.P. Circle
No. ST/5-BCR/R.L.S/Corr. Dated at Hyderabad-500001 the 25 June, 1994.

To

The SSFOs, Hyd. City Dn./Hyd. SE Dn./Secunderabad Dn.

The SSKM, Hyd. Stg. Dn.

The Suptt. LSD/CSD, Hyderabad.

The Managers MNS/R.O. Hyderabad.

The Sr. Postmasters/Hyd. C.O./Secunderabad/Khairatabad.

Sub: Divisionalisation of DC & RMS
Accountants (AFN (Accounts) Cadres.

A copy of DG. Posts, New Delhi letter No.9-3/94-SFB-II
dated 8-6-94 is sent herewith for information and guidance.

(K.S. RAMA RAO)

Asst. Postmaster General (S&V)
for Chief Postmaster General,

DA: As above. A.P. Circle, Hyderabad-500 001.

Copy to: 1. The IG dealing with RMS matters.

2. File No. ST/1-4/OL/S/II

Copy of letter referred to above.

Sub: As above.

Sir,

The question of divisionalisation of the cadre of LSG
Accountants/AFN (A/C) at par with the General Lines LSG
officials has been under consideration for sometime past.
The matter has been examined in depth and now it has been
decided to declare the LSG Accountants (AFNs A/Cs) as a
Divisional cadre at par with the LSG General Line Officials,
with immediate effect.

Yours faithfully,
Sd/-

(A. R. SUBRAMANIAM)
Asst. Director General (S&V)

Copy to:-

All concerned for relocation as per list.

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- 2 -

ii) Whether the officials promoted prior to divisionalisation are still covered by circle transfer liability or whether they should be treated as belonging to the Division in which they are working for the present or the Division in which they were recruited as clerks and promoted as LSG Accountants and posted outside.

iii) How the rotational transfer is to be regulated in case there is only one post of APM, Accts in a Division.

iv) Whether the BCR officials holding the post of APM, A/C as well as post of Accountants come within the purview of Directorate order dated 8-6-94.

v) Whether these orders relate to promotion and transfer, both as the term "Divisionalisation has not been clarified".

So far as the transfer liability of the officials who were posted outside their parent division prior issue order dtd. 8-6-94 is concerned they may be transferred within the Division in which they are working at present and in case they want to go back to their parent division, the procedure as clarified in item No.(i) may be followed.

In place where there is only one of LSG Accountant, for obvious reason there cannot be any rotational transfer. However, if the administration feels necessary, then the provision of Rule of P&T Manual, Vol.IV can be invoked in the interest of service.

In case the LSG Accountants happen to be promoted to BCR HSG-II their post would be regulated by the order No.4-4/92 SIB-II dated 30-3-1992 and subsequent orders regarding posting of BCR officials. However, if such BCR officials, keeping in view the orders No. 4-4/92-SPB-II dated 30-3-1992 happen to be posted against LSG Accountants, post, their transfer liability would be as per orders dated 8-6-1994.

So far as the term "Divisionalisation" as mentioned in our orders dtd.8-6-94 is concerned it relates only to transfer liability. No other aspect of LSG Accountants order has been changed. In other words, there is no change so far as promotion to LSG Accountants at Circles level is concerned nor there is any change with regard to disciplinary appointing/administrative authority.

DEPARTMENT OF POSTS : INDIA

Office of the Chief Postmaster - General, A.P. Circle, Hyderabad-1.

No. ST/5-BCR/Rlgs Dated at Hyderabad-1, the 21-2-1995.

To
All Concerned.Sub: - Divisionalisation of LSG Accountants (A.M.A. ACCOUNTS)
at Par with the LSG General Line officials.

A copy of the Directorate letter No. 9-3/94-SPB-II, dt. 13-2-95 on the subject is sent herewith for information, guidance and necessary action.

Sd/-

(P. Parasuram)

Asstt. Postmaster General (S&V)
for CPMG/AP Circle, Hyderabad-1.Copy to The Circle Secretaries of all Recognised Service Unions
and Others.

Sd/-

for CPMG/AP Circle/Hyd-1.

Copy of Lr No. referred to above.

Sub: - As above.

Ref: No. 93/94-SPB-II dtd 8-6-1994.

Sir,

I am directed to refer this office letter of even No dated 8-6-1994 vide which instructions regarding divisionalisation of LSG PO & RMS Accountants cadre were issued. Now some circles have sought clarification regarding implementation of divisionalisation of LSG PO & RMS Accountants. The matter has been examined in depth, and clarification are given below:

1. Points raised by Circles.Clarifications.

1) It has been mentioned that prior to issue of these orders many officials have been posted outside their home division as it was being treated as a Circle Cadre. As such, it would be very difficult for them to come back to their own division. It has therefore, been suggested that such officials may be provided an opportunity to appear their desire so that they may be brought back in the divisions of their choice.

(1) So far as the question of bring back to the parent division of the officials who were promoted prior to issue of these orders of divisionalisation and posted outside their parent division is concerned, it may be mentioned that if such officials make a representation for transfer to his parent division their requests may be considered wherever a vacancy occurs.

vi) How the surplus qualified candidates in a division are to be adjusted.

Since the promotion of LSG Accountants is done at Circle Cadre level, the surplus qualified candidates of one division are to be posted in the other deficient division as per the existing procedure.

vii) Whether the order issued by the Directorate on 8-6-94 are applicable to the defunct scales officials if both BCR and TBCR officials with PO & RMS Accountants qualifications are not available.

So far as the officials who are still continuing in the defunct scales of Accountants (Rs.380-620) pre-reviewed as indicated in our orders No.31-56/79/IB-I dated 24-2-1981 are concerned, they are not eligible for promotion to any higher post even if both BCR and TBCR officials with PO & RMS Accountant qualifications are not available.

viii) Who would be the appointing and administrative authority of the APM, Accounts after issue of Directorate order dated 8-6-94.

As clarified in item No.(v) there is no change in disciplinary appointing/administrative authority of LSG Accountants.

Yours faithfully,

Sd/-

(A. L. Kaushal.)

Asstt. Director (SRH)

17. TRUE COPY - Mailed

[Signature]
Associate

Annexure - XI

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Government of India
Ministry of Communications
Department of Posts

No. 22 5/95-PE-I

Dak Bhavan,
Sanbad Marg,
New Delhi-110 001.

Dated: 8/2/96

76

By means of Postal Circles.

Subject: Modifications of TBOP/BCR scheme - instructions regarding.

* * * * *

Time Bound One Promotion Scheme and Biennial Cadre Review Schemes were introduced vide this office letters No. 31-26/83-PE.I dated 17/12/83, No. 20-2/88-PE.I dated 26/7/91, No. 22-1/89-PE.I dated 11/10/91 and No. 4-12/88-PE.I (Ft.) dated 22/7/93 with a view to improve promotional prospects of employees of the Department of Post. As per these Schemes, officials who complete prescribed satisfactory length of service in the appropriate grades are placed in the next higher grade. Subsequently, it was noticed that some officials e.g. UDCs in the Circle and SBCO, LSG (both 1/3rd and 2/3rd), F.O. & R.M.S. Accountants, who were senior before implementation of the schemes were denied higher scales of pay admissible under the Schemes while some junior officials became eligible for higher scale of pay by virtue of their length of service. Some of the affected officials filed applications before various benches of the Central Administrative Tribunals demanding higher scale of pay from the date their juniors were made eligible under these Schemes.

2. The case has been examined in consultation with the Ministry of Finance, Department of Expenditure. It has now been decided that all the officials, such as, UDCs in the Circle Office and SBCO, LSG (both 1/3rd and 2/3rd), F.O. & R.M.S. Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay will now be considered for next higher scale of pay from the date their immediate juniors became eligible for the next higher scale. This will, however, not be applicable to the officials who are senior to those officials, brought on transfer under Rule-38, F&T Vol.IV and are placed in the next higher scale of pay by virtue of length of service.

3. The inter-se seniority of the officials in the lower grade will be kept intact for the purpose of eligibility for promotion to next higher grade.

Contd.... 2/-

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- 2 -

4. Heads of Circles are requested to settle all such pending cases/representations etc. according to the above guidelines within 60 days of issue of these orders.
5. A compliance report i.e. number of officials benefited (in detail) may be furnished to the Department after implementation of these instructions.
6. This issues in concurrence with the Ministry of Finance, Department of Expenditure vide their I.O. No. 6(37) E.111/94 dated 19/12/93 and Internal Finance Advice Section vide their Dy. No. 418/FA/96 dated 5/2/96.
7. Please acknowledge the receipt of the letter.
8. Hindi version will follow.

(Alok Saxena)
Asstt. Dir. General (Estt.)

Copy to:

1. P.P.S. to Secretary (Post).
2. P.S. to Member(O)/Member(P)/Member(D)/Sr. DDG(QM).
3. P.S. to JS & FA.
4. P.S. to Secretary, Postal Services Board.
5. The Director General Audit (P&T), Delhi-54.
6. All Regional Postmasters General.
7. All Dy. Directors General and Directors in the Directorate.
8. Chief General Manager (Postal Life Insurance), New Delhi.
9. Director, Postal Staff College, Ghaziabad.
10. Controller Foreign Mails, Bombay.
11. Principals, Postal Training Centre, Darbhanga/Madurai/Mysore/Saharanpur/Vadodara.
12. All Directors/Dy. Directors Accounts (Postal).
13. Officer in charge, AFS Record Office Kemptee.
14. All Sections in the Directorate.
15. All recognised unions/associations and federations.
16. Guard file.
17. Spare copies.

D.T.C. Attached

Advocate

(Alok Saxena)
Asstt. Dir. General (Estt.)

From:
L. Sundaresa Sarma,
Accountant
% the Sr. Supdt. of POs.,
Hyd. City Division,
Hyderabad-500 001.

To
The Sr. Supdt. of Post Offices,
Hyderabad City Division,
Hyderabad-500 001.

Respected Madam,

Sub:- Request for promotion under TROP Scheme.

...

I am working as PO & RMS Accountant from 29.9.1993 onwards in the pay scale of Rs.975-1660 with a special pay of Rs.90/- per month. My year of passing PO & RMS Accountant examination is June, 1989.

Though I have passed Accountant Examination in the year 1989 for want of vacancy I could get my promotion from 29.9.93 regularly but I worked as Offg. Accountant in the leave vacancies and the broken periods come to nearly two years i.e. from 7.8.89 to 28.9.93.

Similarly Shri B.V. Ramniah, APM Accountants Markapur Head Post Office has passed the PO & RMS Accountant Examination during May 1990 and he is in the pay scale of Rs.975-1660 with special pay of Rs.90/- per month.

Out of the above, I found ranked as senior for all purposes in the given cadre.

It is noticed that my junior Shri B.V. Ramaniah APM Accounts Markapur HO who has passed PO & RMS Accountant Examination in the year 1990 is promoted to the pay scale of Rs.1400-2300 w.e.f. 3.7.94 under the scheme of TROP.

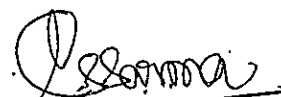
In this connection as a senior to him, I feel that my financial benefits were adversely affected as my junior draws more pay than me. I wish to submit that Directorate vide letter No.22-5/95-PE.I dt. 8.2.96 has clarified that the interest of senior officials have to be safeguarded by promoting the senior officials to the same cadre to which their juniors were got promoted. Further, I am to state that the promotions to the pay scale of Rs.1400-40-1800-EB-50,2300 in the cadre of APM accounts should occur to the senior (i.e. myself) first and next to the junior i.e. Shri B.V. Ramaniah who was already promoted to LSG cadre causing discrepancy and anomaly.

As such I request your goods self to consider my request by safeguarding my seniority and pay by promoting me to the cadre of Rs.1400-2300 with the same date from which my junior was promoted i.e. from 3.7.1994.

Thanking you,

29.8.96
Hyderabad-2222222222
Dated: 500 001.

Yours faithfully,


(L. Sundaresa Sarma)
Actt. % SSPOs City Di.

11-T-C. Attached


Advocate

...2...

This appeal is made to your kind honour since I did not get a reply from my immediate superior i.e. Sr.Suptd.of Post Offices and your kind decision in favour of me will go a long way in solving the grievances of the affected PO & RMS Accountants like me who are deprived of their legitimate right in getting their promotion vis-a-vis comparing their seniority with junior officials.

I hope to receive the justice from your end.

Thanking you, Sir,

06.12.96.

Yours faithfully,

L.S. Sharma
(L.S. SHARMA)

V.T.C. Sharma

Advocate

From
L.Sundaresa Sarma
Accountant
% SSPOs City Division
HYDERABAD-500001

To
The Chief Postmaster General
AP Circle
Hyderabad-500001

Sub Promotion under TBOP Scheme--case of Shri L.Sundaresa
Sarma, Accountant, Hyderabad City Dn.

Ref My representation dated 29-8-1996 addressed to the
SSPOs Hyd.City division.

Respected Sir,

I most humbly submit that vide my representation cited above, I have requested to promote me to TBOP cadre wef.3-7-1994 from the date of my junior Shri B.V.Ramanaiah who passed the PO & RMS Accountant Examination in 1990, one year later to me on the grounds that the said official who passed at a later date cannot be promoted to LSG cadre (TBOP) irrespective of the fact whether I have completed 16 years of total service or not for the reason that I rank senior to the said official as PO & RMS Accountant as I have passed the examination in the year 1989. Although the TBOP scheme has been introduced and made divisionalisation wef. 8-6-1994, I cannot be deprived of my promotion to LSG/TBOP cadre since any scheme that is introduced should benefit the interest of the officials and it should not harm anybody's interest inasmuch as had PO&RMS and LSG cadre have not been made divisional cadre, my seniority as PO & TMS Accountant would have been maintained by Circle Office on the basis of Circle seniority and I would have got my APM Accounts in LSG cadre earlier to the said official Shri B.V.Ramanaiah who is now working as APM Accounts at Markapur HO in Nandyal division coming under Kurnool Region. By making the PO & RMS Accountant post as divisional cadre, its sanctity is lost by depriving the senior officials by making them to remain as Accountants while benefitting the junior Accountants as APM Accounts as illustrated above which is by all means injustice to the officials who have passed the examination by satisfying the departmental conditions which were in vogue at the time of appearing for the examination.

The Dte. has issued various orders pertaining to the promotion of officials of various categories to TBOP/BCR emphasising that the seniority of the officials who passed examinations like UDCs in Circle Office UDCs in SBCO, 1/3 LSG, and PO&RMS accounts etc. to be reckoned from the year of passing without taking into consideration the date from which they have entered into the basic service but to reckon their seniority in respective cadres after passing the examinations on the merit and year of passing. Likewise several officials in general line got their promotion to TBOP/BCR based on their year of passing but in the case of PO&RMS accountants, the same principle is not applied which appears to be with any naked eye against the principles of natural justice.

I, therefore, pray the benign Chief Postmaster General to consider my request and promote me to TBOP cadre on the same analogy as is applied to other categories of officials and promote me to TBOP from the date my junior official Shri B.V.Ramanaiah who got promotion from 3-7-1994.

From
Sri L. Sundaresa Sarma,
Accountant,
% the Senior Supdt. of Post Offices,
Hyderabad City Division,
Hyderabad-500 001.

To
The Chief Post Master General,
(Staff Adalat),
A.P. Circle,
Hyderabad-500 001.

Sub:- Promotion to L.S.G. Cadre.
Ref:- My representations dated 06-12-96 and 08-01-97
addressed to the C.F.M.G., A.P. Circle, Hyd-1.
(Staff Adalat).

2 Discussions held during Staff Adalat (08-01-1997)

----*

Sir,

In the Staff Adalat held on 08-01-1997, I personally attended with a request to promote me as L.S.G. Accountant with effect from the date my junior Sri B.V. Ramanaiah, APM, Accounts, Markapur was promoted as LSG Accountant.

During the Adalat I referred to a case similar to my case, in which Hon'ble C.A.T., New Delhi in D.A. No 45/91, has passed a judgement to promote a senior official on par with his juniors. The C.F.M.G., A.P. Circle observed in the Staff Adalat held on 08-01-1997 that if the Judgement of C.A.T., New Delhi was implemented by the C.F.M.G., New Delhi Circle, the same procedure may also be adopted in my case.

The Chief Post Master General, New Delhi has implemented the judgement given in D.A. No. 45/91 vide memo no. Staff/RV-Postal/IX dtd. 09-01-1996 and a copy of the same is submitted herewith for your kind perusal.

Thanking you, Sir,

Yours faithfully,

Hyd-1

Dtd 1.20.1997


(L. SUNDARESA SARMA)

"T. a. Adalat"



Advocate

ANNEXURE - XV

From:
Smt Rajini Natarajan
Accountant (PLI)
% the Chief Post Master General
A.P. Circle Hyderabad-500 001.

To
The Sr. Supdt of Post Offices
Secunderabad Division
Hyderabad-16.

(Thro C.P.M.G., A.P. Circle, Hyd-1)

Respected Sir,

Sub:- Request for Promotion under OTBP Scheme.

Ref:- Arising.

I am working as PO RMS Accountant from 07-12-88 onwards in the pay scale of Rs. 975-1660 with a spl. pay of Rs. 90/- per month. My year of passing PO RMS Acctt exam is 1986.

Similarly Smt B. Satyavani, Acctt., Stn, Kachiguda HO has passed the PO RMS exam during April 1988 and is in the pay scale of Rs 975-1660 with spl pay of Rs 90/- per month.

Out of the above, I found ranked as senior for all purposes in the given cadre.

It is noticed that my junior Smt B. Satyavani, who passed PO RMS accountants exam in the year 1988 is promoted to the pay scale of 1400-2900 w.e.f. 1-1-96 under the Scheme of OTBP.

In this connection as a senior to her I feel that my financial benefits were adversely affected as my junior draws more pay than me. I wish submit that Directorate vide Ir. no.22-5/95-PE-I dt.8-2-96 has clarified that the interests of senior officials have to be safeguarded by promoting the senior officials to the same cadre to which thier juniors were got promoted. Further I am to state that the promotions to the pay scale of 1400-2900 in the cadre of AFM Accts would occur to the senior (i.e. myself) first and next to the junior i.e. Smt B. Satyavani, who was already promoted to LSG Cadre causing discrepancy and anomaly.

As such I request your good self to consider my request by safeguarding my seniority and pay, by promoting me to the cadre of 1400-2000 with the same date from which my junior was promoted.

30-05-1998,
Hyderabad.

Yours faithfully,
Rajini Natarajan
(Rajini Natarajan)

Copy to:
The Asstt Postmaster General(S&V),
% CPMG, A.P. Circle, Hyderabad.

2. The Sr. Supdt of PO's, Hyd. SE dn, Hyd-27.

For information,

11 T.C. - *[Signature]*

From:
Smt Rajini Natarajan
Accountant(PLI)
% the Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

To
The Sr. Supdt of Post Offices
Secunderabad Division
Hyderabad-500 016.

(Thro' The C.P.M.G, A.P. Circle, Hyderabad-1)

Sir,

Sub:- Request for Promotion under OTBP Scheme.

Ref:- My Representation dt. 30-5-96.

I invite your kind attention to my earlier representation cited above. So far, I have not received any reply from your office.

In the mean time I came to know that one more junior official by name Sri B.V. Ramanaiah APM A/C's Markapur, who passed the PO RMS examination in the year May-90 is promoted to the Cadre 1400-2300 w.e.f 3-7-94 under the scheme of OTBP and working as APM Accts. at Markapur HO under Nandyal Dn...

In this connection as a senior to him (my year of passing PO & RMS exam is 1986 and I am working as Acctt. since 7-12-1986) I feel that my financial benefits are adversely affected as my junior draws more pay than me. I wish to submit that Directorate vide Lr.No. 22-5/95-PE-I dt. 8-2-96 has clarified that the interests of senior officials have to be safeguarded by promoting the senior officials to the same cadre to which their juniors were got promoted. Further I am to state that the promotion to the payscale of 1400-2300 in the Cadre of APM ACCTTS. would occur to the senior (i.e. myself) first and next to the junior i.e., Sri B.V. Ramanaiah, who was already promoted to LSG Cadre causing discrepancy and anomaly.

As such I request your good self to consider my request by safeguarding my seniority and pay, by promoting me to the cadre of 1400-2000 with the same date from which my junior was promoted.

Yours faithfully.

09-09-1996,
Hyderabad.

Rajini Natarajan
(Rajini Natarajan)

Copy to:
The Chief Postmaster General,
A.P. Circle, Hyderabad-500 001- for information.

A. T. C. *Amara*

for
Amara

From
Smt. Rajani Natarajan,
Accountant,
Secunderabad Division,
on deputation at PLI,
% the Chief Post Master General,
A.P. Circle,
Hyderabad-500 001.

To Smt. H. Sethagiri Rao, A.P.M. &
% The Chief Post Master General,
(STAFF ADALAT),
A.P. Circle,
Hyderabad-500 001.

Sub:- Promotion under TBOP scheme.

Ref:- My representation dated 9.9.96 & 30.5.96
addressed to SSPOs, Secunderabad Divn.

Respected Sir,

I most humbly submit that vide my representation cited above I have requested to promote me to TBOP cadre with effect from 03-07-1994, i.e., from the date my junior, Sri B.V. Ramanaiah, who passed the PO & RMS Accountant Examination in 1990 four years later to me, on the grounds that the said official who passed at a later date cannot be promoted to LSG cadre irrespective of the fact whether I have completed sixteen years of service or not for the reason that I rank senior to the said official as Accountant as I have passed the examination in the year 1986. Although the TBOP Scheme has been introduced and made divisionalised with effect from 08-06-1994, I cannot be deprived of my promotion to LSG cadre, since any scheme that is introduced should benefit the interest of the officials and it should not harm anybody's interest inasmuch as had Accountant and LSG cadre have not been made Divisional cadres, my seniority as PO & RMS Accountant would have been maintained by the Circle Office and on the basis of Circle seniority I would have got my APM, Accounts in LSG cadre earlier to the said official, Sri B.V. Ramanaiah, who is now working as APM, Accounts at Markapur HO in Nandyal Division under Kurnool Region. By making the PO & RMS Accountant post as Divisional cadre, its sanctity is lost by depriving the senior officials by making them remain as Accountants while benefitting junior Accountants as APM, Accounts as mentioned above which is by all means injustice to the officials who have passed the examination by satisfying the departmental conditions which were vogue at the time of appearing for the examination.

The Directorate has issued various orders pertaining to the promotion of officials of various categories to TBOP/BCR emphasising that the seniority of the officials who passed examinations like UDCs in C.O., UDCs in SBCO, 1/3 LSG and PO &

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MS Accountants etc. to be reckoned from the year of passing without taking into consideration the date from which they have entered into the basic service but to reckon their seniority in respective cadres after passing the examination on merit and year of passing. Likewise, several officials in general line got their promotion to TBOP/DCR based on their year of passing but in the case of PD & RMS Accountants, the same principle is not applied which appears to be against the principles of natural justice.

I, therefore, pray the benign Chief Postmaster General to consider my request and promote me to TBOP cadre on the same analogy as is applied to other categories of officials and promote me to TBOP from the date my junior official Shri B.V. Ramanaiah who got promotion from 03-07-1994.

This appeal is made to your kind honour since I did not get a reply from ~~my immediate superior~~ ~~is~~. SSPOs, Secunderabad Division and also to avoid delay.

I hope to receive the justice from your end.

Thanking you, Sir,

Yours faithfully,

Place : Hyderabad.

Date : 6.12.96

Rajini Natarajan

(RAJINI NATARAJAN)

U.T.C. Attached

Don

Advocate

6/12/96

From
Smt. Rajini Natarajan.
Accountant.
Secunderabad Division.
on deputation at
P.L.I., %the Chief Post Master General,
A.P. Circle,
Hyderabad-500 001.

To
The Chief Post Master General,
(Staff Adalat).
A.P. Circle,
Hyderabad-500 001.

Sub:- Promotion under TBOP scheme/LSG.
Ref:- My representations dated 09-09-1996 and 30-03-1996 addressed to S.S.P.O.s, Secunderabad Divn.

2. My representation dated 06-12-1996 addressed to the CPMG, A.P. Circle (Staff Adalat).

--*-*

Sir.

In continuation of the letters cited above I enclose a comparative statement, my request and the grounds for request for your kind perusal and consideration.

COMPARATIVE STATEMENT

=====

1. Name of the official	Smt. Rajini Natarajan	Sri B.V. Ramanaiah
2. Date of entry	23-11-1981	23-06-1978
3. Year of passing PO & RMS exam.	1986	1990
4. Working as acct. with effect from	07-12-1986	May, 1990
	(On special pay of Rs. 90/- granted in lieu of higher scale of pay for involving higher responsibility).	
5. Promotions	Due	Promoted as LSG (DTBP) cadre Rs. 1400 - 2300 with effect from 03-07-1994.
6. Working as	Accountant (PLI), % CPMG, A.P. Circle.	APM, Accounts, Markapur Nandyal Divn., Kurnool Region.

ANNEXURE - XIII

62/93

Request :-

It is requested to the benign Chief Post Master General, A.P. Circle to consider my case and promote me as LSG Accountant from the date my junior Sri B.V. Ramanaiah was promoted, with all consequential benefits, under the recruitment rules of 1976.

Grounds for request :-

The grant of LSG to Accountants of PO & RMS Accountants cadre framed under proviso to Article 309 of the Constitution issued in the name of the President of India vide Ministry of Communications notification No. 6/26-73 - SPB II dtd. 30-09-1976 stipulates that clerks/Postal Assistants in Post Offices with ten years of service in the grade who have passed the PO & RMS Accountants examination are eligible for promotion to Lower Selection Grade Accountants in the Post Offices and the promotion is by seniority based on the year of passing the examination.

The LSG Promotional Rules and clarifications given in D.G. (P & T), New Delhi letter no. 9-8/72 - SPB II dtd. 10-01-1974 clearly lays down that senior officials should not be left out for consideration to Lower Selection Grade just because they had not completed prescribed years of service, i.e., 16 years in this case.

The Rules of 1976 has not been amended so far. The Rules have been framed under proviso to Article 309 and have a mandatory force and these will prevail over administrative instructions. In this context my case is fitting case as per item 15 of the Recruitment Rules which refers to officials who have passed the PO & RMS Accountants examination and they are eligible for promotion after completion of only ten years of service. Accordingly I am eligible for promotion with effect from 1991, but ignored. I rank senior to those who passed this exam subsequently (Sri B.V. Ramanaiah) and also to those who are being considered for IBOP on the basis of sixteen years of service. Merit is a time-honoured principle from the remote past and this is also contained in item 15 of Recruitment Rules and this principle of seniority based on merit as a result of passing the PO & RMS Accountant examination has been incorporated in D.G. (P & T) letter no. 9/12/68 - SPB II dtd 13-12-1959 and also in letter no. 9-10/68 - SPB II dtd. 12-03-1970.

In this connection a copy of judgement dtd. 24-02-1995 of C.A.T., Principal Bench, New Delhi in O.A. NO. 45/91 filed by Sri Bed Singh is enclosed for perusal.

My case is similar to the above C.A.T. Judgement of New Delhi.

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I earnestly request you to consider my case for promotion as LSG Accountant on par with the Judgement and on par with my junior Sri B.V. Ramanaiah.

Thanking you,

Yours sincerely,

Hyd-1

Date : 08-01-1997.

Rajini Natarajan
31/1/97
(SMT. RAJINI NATARAJAN)

" P. C. Adhikari "

PA

Advocate.

From
Smt. Rajini Natarajan,
Accountant, FLI Section,
% the Chief Post Master General,
A.P. Circle,
Hyderabad-500 001.

To
The Chief Post Master General,
(Staff Adalat),
A.P. Circle,
Hyderabad-500 001.

Sub:- Promotion to L.S.G. Cadre.
Ref:- My representations dated 06-12-96 and 08-01-97
addressed to the C.P.M.G., A.P. Circle, Hyd-1.
(Staff Adalat).

2 Discussions held during Staff Adalat (08-01-1997)

----*

Sir,

In the Staff Adalat held on 08-01-1997, I personally attended with a request to promote me as L.S.G. Accountant with effect from the date my junior Sri B.V. Ramanaiah, APM, Accounts, Markapur was promoted as LSG Accountant.

During the Adalat I referred to a case similar to my case, in which Hon'ble C.A.T., New Delhi in O.A. No 45/91, has passed a judgement to promote a senior official on par with his juniors. The C.P.M.G., A.P. Circle observed in the Staff Adalat held on 08-01-1997 that if the Judgement of C.A.T., New Delhi was implemented by the C.P.M.G., New Delhi Circle, the same procedure may also be adopted in my case.

The Chief Post Master General, New Delhi has implemented the judgement given in O.A. No. 45/91 vide memo no. Staff/RV-Postal/IX dtd. 09-01-1996 and a copy of the same is submitted herewith for your kind perusal.

Thanking you, Sir,

Yours faithfully,

Smt. As stated above

Date : 20-1-97
Hyderabad-1.

Rajini Natarajan
(SMT. RAJINI NATARAJAN)

1) T.C. Attached

[Signature]
Advocate.

FROM:

V.K. RAVICHANDER
ACCOUNTANT
TRIMULGHERRY HO.

TO

THE SR. SUPD. OF POS
SEC'Y DIVISION
HYDERABAD-500016

Thru Postmaster, Trimulgherry Ho.

Sir,

Sub: Request for promotion under One
Time Bound Promotion Scheme. ✓

I have been recruited as Postal Assistant in Sec'ry Divn in June 81 and joined as PA, Sec'ry Divn on 21-11-1981. I have passed the PD + RMS Accountants Exam held in April 87 and working as Accountant since 5-3-1988. I came to know that Smt. B. Satyavani, Accountant, Stn. Kachiguda HO who has passed PD + RMS Accountant Exam during April 1988 has been promoted to LSG cadre under OTBP Scheme w.e.f 1-1-1996.

As per the latest orders of the Directorate vide Lr NO: 22-5/95-PE.I dtd 8²/96 communicated in Circle Office Lr NO: ST/5-2/SP.BCR dtd 13²/96 + SSPOS, Lr NO: B2/BCR/Rlgs dtd 22²/96, I feel that I am eligible for promotion under OTBP scheme on par with my junior viz. Smt. B. Satyavani, w.e.f 1-1-96.

Hence I request you to kindly consider my request and cause to issue order for promotion to LSG cadre under OTBP Scheme w.e.f. 1-1-96, and for this act of kindness I shall remain grateful to you.

Thanking you,

yours faithfully,

3/15-5-96.

"T.C. MATHA"

(V.K.)

By
Advocate

From

V.K.RAVICHANDER
Accountant
SECUNDERABAD H.O.

To

THE CHIEF POSTMASTER GENERAL
A.P.CIRCLE
HYDERABAD - 500 001

(Thro Proper channel)

Respected Sir,

Sub: Promotion to the cadre of LSG.

-cc00-

I submit the following for your kind consideration and issue of favourable orders.

I have been appointed in the cadre of Postal Assistant in the year 1981 and passed my PO & RMS Accountants examination in the year 1987 and working as Accountant since March 1988. One of my juniors who has passed his PO & RMS Accountant examination in the year 1990 has been promoted to LSG cadre. Now I submit herewith a comparative statement and the grounds for request for your kind perusal and consideration.

COMPARITIVE STATEMENT

1. Name of the official	V.K.Ravichander	Sri.B.V.Ramanaiah
2. Date of entry	21.11.1981	23.06.1978
3. Year of passing PO & RMS exam	1987	1970
4. Working as Acct. with effect from	6.3.1988	May, 1990
	(on special pay of Rs.90/- granted in lieu of higher scale of pay for involving higher responsibility)	
5. Promotions	Due	Promoted as LSG (OTBP) cadre Rs.1400-2300 w.e.f 03.07.1994.
6. Working as	Accountant Secunderabad HO	APM Accounts, Markapur HO Nandyal Divn

contd.2

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Grounds for request:

The grant of LSG to Accountants of PO & RMS Accountants cadre framed under proviso to Article 309 of the Constitution issued in the name of the President of India vide Ministry of Communications Notification No.6/26-73-SPB.II dated 30.09.1976, stipulates that clerks/Postal assistants in Postoffices with ten years of service in the grade who have passed the PO & RMS Accountants examinations are eligible for promotion to Lower Selection Grade Accountants in the Postoffices and the promotion is by seniority based on the year of passing the examination.

The LSG Promotions Rulings and clarifications given in DG (P&T) New Delhi letter No.9-8/72-SPB>II dated 10.01.1974 clearly lays down that senior officials should not be left out for consideration to Lower Selection Grade just because they had not completed prescribed years of service i.e. 16 years in this case.

4
The Rule of 1976 has not been amended so far. The Rules have been framed under proviso to Article 309 and have a mandatory force and these will prevail over administrative instructions. In this context my case is fitting case as per item 15 of the Recruitment Rules which refers to officials who have passed the PO & RMS Accountants examination and they are eligible for promotion after completion of only ten years of service. Accordingly I am eligible for promotion with effect from 1971, but ignored. I rank senior to those who passed this exam subsequently (Sri.B.V.Ramanaiah) and also to those who are being considered for TBOP on the basis of sixteen years of service. Merit is a time-honoured principle from the remote past and this is also contained in item 15 of Recruitment Rules and this principle of seniority based on merit as a result of passing the PO & RMS Accountants examination has been incorporated in DG (P&T) Letter No., 9/12/68-SPB.II dated 13.12.1959 and also in letter No., 9-10/68-SPB.II dated 12.03.1970.

4
In this connection a copy of judgement dated 24.02.1995 of C.A.T., Principal Bench, New Delhi in O.A.No.45/91 filed by Sri.Bed Singh is enclosed for perusal. My case is similar to the above C.A.T.Judgement of New Delhi

REQUEST

I therefore, earnestly request the Chief Postmaster General to kindly consider my case and promote me as LSG Accountant from the date my junior Sri.B.V.Ramanaiah was promoted, with all consequential benefits under the Recruitment Rules of 1976.

A - XXI

85

-3-

I also came to know that some of my colleagues (Smt.Rajini Natarajan Accountant Sec'bad and Sri.L.S.Sarma, Accountant, Hyd City Dn) have also represented for the promotion on par with the junior. I once again request the benign Chief Postmaster General to kindly consider my case for promotion and for this act of kindness, I will remain grateful to you Sir,

Thanking your Sir,

Yours faithfully,

V.K. Ravichander
(V.K.RAVICHANDER)

Date: 06.08.1997

15 T. C. A. A. A. A.

Mr. A. A. A. A.

866/0

ANNEXURE

Central Administrative Tribunal
Principal Bench, New Delhi.

86

From:

The Registrar,
Central Administrative Tribunal,
Principal Bench, New Delhi.

Faridkot House,
Copernicus Marg,
New Delhi-110001.

Dated-

6.3.95

To

1. Shri Sant Lal counsel for the applicant,
OR

Shri Bed Singh S/o Shri Ran Singh,
C/O Shri Sant Lal counsel,
C-21(B) New Multan Nagar, Delhi-56.

2.

Shri M.K. Gupta, counsel for the respondents,
C.A.T. War Room, New Delhi.

Shri Bed Singh

Applicant(S) OR No.

45/91

Versus

Union of India & Ors.

Respondent(S)

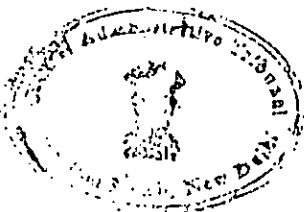
Sir,

I am directed to forward herewith a copy order dt. 24.2.95
Passed by this Tribunal in the above mentioned case for information and
necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

SECTION OFFICER J-I
FOR REGISTRAR.



A - XXII
Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.45/91

New Delhi this the 24th Day of February, 1995.

Hon'ble Mr. J.P. Sharma, Member(J)
Hon'ble Mr. B.K. Singh, Member(A)

Shri Bed Singh,
S/o Shri Ran Singh,
C/o Shri Sant Lal, advocate,
C-21(B) New Multan Nagar,
Delhi-56.

Applicant

(through Sh. Sant Lal, advocate)

versus

1. Union of India, through
the Secretary, Ministry of
Communications, Department of Posts,
New Delhi-1.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-1.
3. Shri K.K. Singhal,
Asstt. Postmaster (Accounts),
(LSG Accountant) New Delhi H.O.
New Delhi-1.
4. Shri Brahm Pal LSG Accountant,
New Delhi H.O. New Delhi-1.
5. Shri M.S. Gauba LSG Accountant,
Ramesh Nagar H.O. New Delhi-15.
6. Shri Darba Naha LSG Accountant,
Delhi G.P.O., Delhi-6.

Respondents

(through Sh. M.R. Gupta, advocate)

ORDER

delivered by Hon'ble Mr. B.K. Singh, Member(A)

This O.A. has been filed against memo numbers 1 & 2. Both were issued from the office of Chief Postmaster General Delhi Circle vide annexures A-1 and A-2. Annexure A-1 relates to the grant of special allowance of Rs.40/- to two persons promoted under time bound promotion scheme and annexure A-2 relates to the promotion of three persons who though passed the Post



A XXII

(88) 72

Office and RMS Accountants examination in 1979 in their circles Western and North Eastern but on their request were transferred to Delhi Circle. These people have been promoted ignoring the claims of the applicant.

The admitted facts of this case are these. The applicant was appointed as Postal Assistant with effect from 4.1.1977. He passed the departmental examination for promotion to the post of the Post Office and R.M.S. (Railway Mail Service) Accountants examination held in 1979 and was promoted as Post Office Accountant with effect from 2.4.1981.

A meeting of the Departmental Council (J.C.M.) was held in 1983 with the members of the service unions and staff side to consider the promotional avenues of Postal employees wherein it was decided that scheme for two time bound promotions in one's service career (i) on completion of 16 years of service and other after completion of 26 years of service should be introduced.

The new scheme of one time bound promotion was framed and introduced in Postal Department with effect from 30.11.1983 vide DGP&T No.31-26-83-PE-I dated 17.12.1983. This is annexure A-4 enclosed with the O.A. This was also applicable to the Post Office and R.M.S. Accountant cadre, vide para-21 of the Scheme according to which they were to be placed in the L.S.G. scale of pay only on completion of 16 years of service and were allowed supervisory allowance when posted against the standard post in their turn and it was not opposed by any service union.

P

It is admitted by both the parties that the applicant had not completed 16 years of service in clerical cadre which is a pre condition for grant of L.S.G. He could not be promoted to that grade. It is further admitted that though Respondents No.3 to 6 are junior to the applicant in Post Office and RMS Accountant cadre but since they had completed more than 16 years of service, they were approved by the D.P.C. under the Time Bound Promotion Scheme. The applicant has not completed 16 years of service and is not entitled to promotion under T.B.O.P. is not in dispute.

The relief prayed for are:-

- (i) to set-aside the impugned orders;
- (ii) to direct the respondents to consider the applicant for promotion to the post of Lower Selection Grade Accountant in accordance with his seniority and the Recruitment Rules 1976 from the date his immediate junior was promoted;
- (iii) to grant the consequential benefits of arrears of salary and allowances and seniority etc.

A notice was issued to the respondents who filed their reply and contested the application and grant of reliefs prayed for. We heard the learned counsel for both the parties and perused the record of the case.

The learned counsel for the applicant placed his reliance on the Recruitment Rules of 1976 especially item No.15 dealing the grant of L.S.G. to Accountants of Post Offices and RMS Accountants cadre framed under proviso to Article 309 of the Constitution issued in the

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name of President of India vide Ministry of Communications Notification No.6/26-73-SPB II dated 30.9.1976 which stipulates that the (Clerks/Postal Assistants) in the Post Offices with 10 years of service in the grade who have passed the Post Offices and Railway Mail Service Accounts Examination are eligible for promotion to lower selection grade Accountants in the Post Offices and the promotion is by seniority based on the year of passing the examination. This is annexure A-8 of the paperbook. The applicant was due to be considered in accordance with the statutory rules of 1976 but he was ignored. The learned counsel also referred to the clarifications given in D.G.P&T, New Delhi letter No.9-8/72-SBP-II dt.10.1.1974. It clearly lays down that senior officials should not be left out for consideration to lower selection grade just because they had not completed 16 years in the requisite clerical grade. It further stipulates that such cases should be referred to D.G. for purpose of granting necessary relaxation so that these seniors are brought within the zone of consideration. This letter of D.G.P&T is enclosed as Annexure A-7 with the O.A.

It was further pointed out that Respondent No.3 is junior to the applicant since the latter passed the P.O. & R.M.S. Accountants examination held in 1980 where the former passed it in 1982. Similarly, Sarva Shri Braham Pal, M.S. Gauba and Darba Naha (Respondents No.4 to 6) are also junior to the applicant although they passed the examination in 1979 but as a result of inter circle transfer under the provisions of Rule 38 of P & T Manual Vol.4, on their request from Western and North

B

Eastern Circles to Delhi Circle in October June, 1982 they were placed below the applicants not denied by the respondents.

The learned counsel for the applicant further argued that the new Scheme for grant of TBOP non-functional grade given on completion of 16 years service and these officials so promoted will supersede supervisory posts in their turn.

The learned counsel for the respondents argued that since the applicant had not completed 16 years of service which is a pre condition for grant of TBOP, he was not granted LSG and his juniors i.e. respondents No.3 to 6 who had completed 16 years of service were allowed the promotion by D.P.C. under the scheme framed by respondents in consultation with staff union. It is admitted that the applicant had completed only 14 years of service when DPC met. He argued that with the introduction of the new Scheme, all instructions on the subject has been superseded.

After hearing the rival contentions and going through the record, we are unable to accept the contentions of the learned counsel for the respondents. There is a clear averment in O.A. that rules of 1976 have not been amended even after the new scheme of TBOP was introduced. The rules have been framed under proviso to Article 309 and have a mandatory force and these will prevail over administrative instructions. Item 15 of the Recruitment Rules refers to officials who have passed the P.O. and R.M.S. Accountants Examination and they are

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A - XXII

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SLD 21
SLD 14

eligible for promotion after completion of only 10 years of service. They will rank senior to those who passed this examination subsequently and also to those who are being considered for TBOP on the basis of 16 years of service. Merit is a time honoured principle from the remote past and this is also contained in item 15 of the Recruitment Rules and this principle of seniority based on merit as a result of passing the P.O. and RMS Accountants examination has been incorporated in DGP&T letter No.9/12/68-SPB-II dated 13.12.1959 and also in letter No. 9-10/68-SPB-II dated 12.3.1970 placed at annexure A-5 and annexure A-6 of the O.A. The same view has been reiterated in letter No.9-8/72-SBP-II dated 10.1.1974 that seniors cannot be ignored just because they had not completed requisite number of years for being eligible to LSG. In all such cases reference is required to be made to DGP&T for relaxation.

The rules are of a mandatory nature and administrative instructions are merely directory in nature. The recruitment rules will prevail over administrative instructions. Only those administrative instructions which supplement the rules acquire mandatory force and, therefore, the instructions quoted and filed at annexures A-5, A-6 and A-7 will have the force of a statute and the instructions quoted by the learned counsel for the respondents which are inconsistent with rules will be treated as merely directory in nature. Their non-observance will not matter but non-observance of a rule issued under proviso to Article 309 of the Constitution and administrative instructions issued to supplement them will prove fatal.

B

The crucial question is the applicability of the rules. The rules of 1976 have not been amended and are applicable to the respondents also. The applicant has passed the P.O.&RMS Accountants examination stipulated in serial No.15 of the Recruitment Rules. He has also completed 10 years of service. As such, the applicant is entitled for promotion under the said rules and he is not claiming promotion under TBOP but under the statutory rules of 1976. As such, his case should be considered on merits by holding a review D.P.C. and if he is suitable, he should be promoted from the date his immediate junior was promoted with all consequential benefits. The O.A. is thus allowed and the respondents are directed to consider the case of the applicant on merits under the statutory rules of 1976 to the grade of LSG. The respondents shall implement these directions within a period of two months from the date of receipt of a certified copy of this order.

There will, however, be no order as to costs.

(B.K. Singh)
Member(A)

(J.P. Sharma)
Member(J)

/vv/

"T-C Memo"
B-2
Advocate

RECEIVED
7/11/51

95

:: 2 ::

A copy of this memo is issued to:-

- 1 to 7. The Officials.
- 8 to 14. The Service books of the Officials.
- 15 to 21. PFS of the Officials.
- 22 to 28. Cns of the Officials.
- 29 to 35. The LA (P), Hyderabad-500 001.
- 36 to 38. The Postmaster, A llagadda / Markapur Nandyal NO.
- 39 to 40. Spare.

(N.P. Muthyalappa)

S updt. of Post Offices,
Nandyal division,
Nandyal 518 501.

1/ T. C. Markapur

Advocate

DEPARTMENT OF POSTS: INDIA

to Offices, Nandyal division, Nandyal-518 501.

/III dated at Nandyal-1 the 29-11-1994.

of the Orders contained in D.G.P&T New Delhi
 PE dated 17-12-83 read with Directorate letter
 dated 13-12-85 communicated in GPMG, AP Circle,
 S.T-6/Rlgs./II dated 26-12-85 and Directorate

Letter No. 66-47/04-SPB-I(P) dated 3-8-89 communicated in G.O
 Letter No. S.T-2/TBP dated 5-1-90, the following officials
 are promoted to the next higher scale of pay of Rs. 1400-40-1800-
 Rs. 50-2300 under TBOP scheme with effect from the dates noted
 against each.

S.No.	Name and Designation of the official.	Date from which promoted.	Point in the roster.	REMARKS.
1.	S/Sri. M.V. Subbaiah-I P.A., Nandyal HO.	12-03-94	24	OC
2.	R.V. Ramana, SPM, Akumalia.	18-03-94	25	OC
3.	B.V. Ramanaiah, PA (Acctt.), Allagadda HO.	03-07-94	26	OC
4.	S.V.K.M.K. Reddy, P.A., Nandyal HO.	10-09-94	27	OC
5.	S. Naga Raju, P.A. (Acctt.) D.O., Nandyal.	10-09-94	28	OC
6.	Y. Kamaprasad, SPM, Edavai Hills O.	10-09-94	29	OC
7.	W. Narasimha Reddy, P., Nandyal HO SO.	14-09-94	30	OC.

The date of assumption of charge by the Officials in the
 Promotional grade should be reported promptly by submitting
 relinquishing charge report in the time scale cadre and assuming
 charge report in the Promotional cadre.

(Signature)
 (N.P. Muthyalappa) 27/11/94
 Supdt. of Post Offices,
 Nandyal division,
 Nandyal 518 501.

Annexure. XX IV

(96) 79

Department of Post - India

Office of the Supdt. of Post Offices, Nandyal Divn., Nandyal - 1.

Memo No. B3/RT/95/III dated at Nandyal-1, the 2-5-95.

The following Rotational Transfers are ordered in the interest of service with immediate effect.

I

1. Sri T. Ramachandram, Postal Asst., Allagadda HO to be Postal Asst., Sirvel SO vice Sri M. Anisul Haq transferred. The transfer is at request without TA/TP. (To make first move).
2. On relief by Sl.(1), Sri M. Anisul Haq, Postal Asst., Sirvel SO to be Office Asst., DO, Nandyal at request without TA/TP vice Sri N. Balakrishnudu transferred.
3. On relief by Sl.(2), Sri N. Balakrishnudu, Office Asst., DO, Nandyal to be Postal Asst., Nandyal HO vice Sri N. Nizamuddin transferred.

II

1. Sri B.V. Ramanaiah, Accountant, Allagadda HO to be LSG APM(A/Cs), Markapur HO, terminating the existing officiating arrangement.
2. Sri B. Madduleti, LSG PA and qualified Accountant, Nandyal HO to be Accountant, Allagadda HO vice Sri B.V. Ramanaiah transferred. (To make first move).

All the above transfers should be given effect to by 20-5-95. No official should be relieved on M.C. without prior permission of this office.

All the officials who are ordered to make first move should be relieved on or before 8-5-95 positively.

A copy of this memo is issued to:-

- 1 to 6. The Postmaster, Allagadda / Markapur / Nandyal HO.
- 7 to 12. The Officials.
- 13 to 18. PFs of the Officials.
19. The SPM, Sirvel SO.
- 20 to 30. Spare.

Muthyalappa
(N.P. MUTHYALAPPA)
Supdt. of Post Offices,
Nandyal Division,
Nandyal - 518 501.

1) T. C. Anand

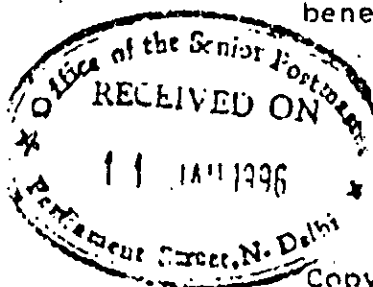
AS Associate

DEPARTMENT OF POST
OFFICE OF THE CHIEF POSTMASTER GENERAL, DELHI CIRCLE,
NEW DELHI-110001.

Re

Memo. No. STAFF/RV-Postal/IX
Dated at ND-1, the 9.1.96.

Sh. Bed Singh, APM (A/C), Parliament Street HO who was promoted to LSG Acctt. Cadre w.e.f. 24.7.93 vide Circle Office Memo. No. STAFF/RV-Postal/VIII dated 17.2.93/19.3.93 is now in pursuance of the judgement dated 24.2.95 passed by the Hon'ble CAT, New Delhi in OA No. 45/91, ordered to be promoted to LSG Acctts cadre w.e.f. the date his juniors were promoted with all consequential benefits vide Memo. ibid dated 3.5.90.



Copy to :-

ASSTT. POSTMASTER GENERAL (STAFF)

✓ 1.

The Sr. Postmaster, Parliament Street HO, New Delhi-110001. The case for creation of supernumerary post if required may also be taken up with this office (Estt. Section).

2.

ASPOs (Court), G.O. CPNG, New Delhi-110001.

3.

The official concerned.

4-5.

Spare.

Handwritten: The infra. *[Signature]*

Handwritten: Encls No. - 3 B12/SH Bed Singh / 95 PG Dated. 13.1.96

Handwritten: Copy to / -

1-2

Handwritten: APM Accounts Person New Delhi-110001 for information & necessary action.

3

Spare

Handwritten: T. C. Sharma

Handwritten: Advocate

Handwritten: Postmaster
S. H. P. O.
New Delhi-110001
13.1.96

81

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1222 of 1997

Between :

L.S. Sarma &
2 others

...

Applicants

And

The Chief Postmaster-General,
A.P. Circle, Hyderabad &
3 others

...

Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, H. Seshagiri Rao, s/o Narasimha Murthy, aged about 56 years; do hereby solemnly affirm and sincerely state on oath as follows :

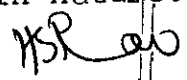
1. I am working as Assistant Postmaster-General (S & V) in the office of the Chief Postmaster-General, A.P. Circle, Hyderabad. As such I am fully acquainted with the facts of the case. I am authorised to file this Reply Statement on behalf of all the Respondents.

2. I have read the copy of the above Original Application and submit that there are no valid or reasonable grounds in the O.A. The various averments made in the O.A. are hereby denied, save those that have been specifically admitted herein under. The applicant is put to strict proof of such averments that are not been traversed herein under.

3. The averments in paragraphs 1 to 5 need not be replied as they are formal and procedural in nature.


ATTESTOR

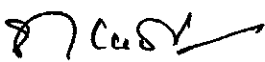
सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
आंध्र प्रदेश, ५०० ००१
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General.
A.P. Circle, Hyderabad-500 001.

4. In respect of the averments in para 6(1) : It is to state that the official on regular promotion to P.As cadre in the scale of pay of Rs. 975 - 1,660 has been regularly appointed in that cadre with effect from 31.8.1983 and he is continuing to work in the said cadre since then. He had qualified in the P.O. and R.M.S. Accountants Examination, held in 1989 as communicated in Circle Office letter No. RE/24-3/89, dated 31.7.89.

5. As regards the averments in para 6(2), it is submitted that the post of P.O & R.M.S. Accountants carry additional responsibility when compared to other Time Scale Postal Assistants they are paid a Special Pay of Rs. 90/- per month. There is no separate cadre with distinct pay for P.O & R.M.S. Accountants though they carry additional responsibility. The special pay granted to the P.O & R.M.S. Accountants for more than three years is to be taken into account for fixation of pay on promotion to higher post.

6. With regards to the averments in para 6(3), it is submitted that as per the P & T (Selection Grade posts) recruitment rules, 1976, communicated vide D.G. letter No.6-26/73-SPB.II, dated 30.9.1976 P.As who have put in ten years of regular service in the P.A. cadre are eligible to be considered for promotion to the L.S.G. in the scale of (old Rs. 425 - 640) now Rs. 1,400 - 2,300 against the ear-marked posts meant for them to the extent of 66-2/3 % on the basis of seniority-cum-fitness. 33-1/3 % of the ear-marked posts are to be filled by selection vide Sl.No. 11 of the recruitment rules. In respect of the officials who have qualified in P.O & R.M.S. Accounts Exam.



ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
ऑफिस पोस्टमास्टर जनरल, 2-500 001,
A.P. CIRCLE, HYDERABAD-500 001



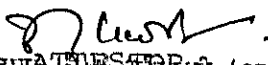
DEPONENT


Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

a distinct set of rules have been prescribed at Sl. 15 of the said recruitment rules. A block number of posts are ear-marked for the officials of this category. The service conditions prescribed being eligible to be considered for promotion to the posts of Lower Selection Grade Accountants is distinguishable from ordinary L.S.G. official. These recruitment rules have come into force on 02.11.76 as per Gazette Notification and have not yet been replaced by another set of statutory recruitment rules.

7. In regard to the averments in para 6(4), it is submitted that there is no direct recruitment to the cadre of P.O & R.M.S. Accountants in the scale of pay of Rs. 975 - 1,660 with a special pay of Rs. 90/- or in the cadre of LSG Accountants in the scale of Rs. 1,400 - 2,300. As aforesaid to the promotion to the cadre of LSG Accountants, only those officials who have qualified in the PO & RMS Accountants Examination and also had ten years of service in P.As cadre are eligible. It would thus be clear from the 1976 recruitment rules that the ordinary P.As who did not qualify the PO & RMS Accountants Examination are not eligible to be considered for promotion to LSG posts in the P.Os whereas P.As with PO & RMS Accountants qualification were exclusively entitled for being considered for promotion to the posts of LSG Accountants in the scale of Rs. 1,400 - 2,300.


8. In respect of the averments in it is to state for promotion to LSG Accountants in the scale of Rs. 1,400 - 2,300 the seniority in the year of qualifying in the P.O & R.M.S. Accountants Examination was to be considered. In other words



हजियतुल्लाह
 Assistant Accounts Officer (Budget)
 मुख्य पोस्टमास्टर जनरल का कार्यालय
 Office of the Chief Postmaster General
 ऑफिस पोस्टमास्टर जनरल
 A.P. Circle, Hyderabad-500 001


DEPONENT
 Asst. Postmaster General (S. & V.)
 O/o. Chief Postmaster General
 A.P. Circle, Hyderabad-500 001.

those passing the PO & RMS Accountants Examination in a particular year will rank enblock senior to those passed in the subsequent years. As per Directorate letter No.9-8/72-SPB dated 7.1.94, the seniority list for the purpose of promotion to the post of LSG Accountants is to be prepared on the basis of the year of passing the P.O & R.M.S. Accountants Examination the inter-se-seniority of those passing in the same year being fixed according to their seniority in the Clerical Grade. These rules are not superceded consequent on introduction of T.B.O.P / B.C.R. Scheme. As per the Directorate letter cited if a senior is left out for want of requisite number of years of service in the clerical grade for being considered for LSG Accountants posts and a junior is to be considered since he has the requisite length of service the rights of senior have to be considered notwithstanding the service condition in the clerical grade by way of grant of necessary relaxation to the senior official to bring his within the zone of consideration. The position relating to the seniority of PO & RMS Accountants has been clarified in the D.G. letter No. 9-12/58-SPB.II, dated 18.12.59; 9-10/68-SPB.II, dated 12.3.70 and 9-8/72-SPB.II, dated 7.1.74.

9. It is submitted in respect of the averments in that the TBOP Scheme has been introduced by the Department vide letter No. 31-26/83-PEI., dated 17.12.83 which came into force with effect from 30.11.83. Under the new scheme which is not in supercession of the statutory recruitment rules, 1976, a new promotion scheme on completion of 16 years of service was introduced. The item relating to P.O & R.M.S. Accountant is


सहायक लेखा अधिकारी (बजट)
 Assistant Accounts Officer (Budget)
 मुख्य पोस्टमास्टर जनरल का कार्यालय
 Office of the Chief Postmaster General
 ऑफिस ऑफ चिफ पोस्टमास्टर जनरल
 A.P. CIRCLE HYDERABAD-500 001.


 DEPONENT
 Asst. Postmaster General (S. & V.)
 O/o. Chief Postmaster General,
 A.P. Circle, Hyderabad-500 001.

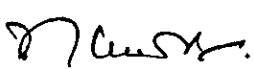
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at Sl. 21 of the scheme which stipulates that those who have opted to PO & RMS Accountants with special pay will be eligible for Time Bound Promotion on completion of 16 years of service in the clerical grade. The applicant is not seeking promotion under this scheme of 1983 but is claiming such promotion under statutory recruitment rules 1976.

10. With reference to the averments in para 6(7) it is to state that the posts of LSG Accountants/APM, Accounts were declared a Divisional cadre with effect from 30.11.83 as per the order No. 9-3/94-SPB.II, dated 8.6.94. But this was clarified to be for the limited purpose of transferred liability only vide directorate orders dated 13.2.95.

11. In respect of the averments in para 6(8), it is to submit that as per the D.G (Posts) letter No. 22-5/95-PEI dated 8.2.96, all officials such as UDCs in Circle Office and SBCO, LSG (1/3 and 2/3), PO & RMS Accountants, will now be considered for next higher scale of pay from the date of their immediate junior became eligible for the next higher scale.

12. With reference to the averments in paragraphs 6(10) and (11) the details of representations and their disposal have been explained in the comments para-3 above and the same will hold good. Though the decision of the C.A.T., Delhi Bench in O.A. No. 45/91 was cited in the representation by the applicant the same could not be decided at the Divisional level as the matter was receiving attention at the Circle Office level itself, in the light of comments offered against

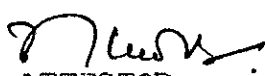

 सहायक लेखा अधिकारी (बजट)
 Assistant Accounts Officer (Budget)
 मुख्य पोस्टमैस्टर जनरल का कार्यालय
 Office of the Chief Postmaster General
 ऑफिस बिल्डिंग, ई-1012-500 001
 A.P. CIRCLE, HYDRABAD-500 001.



 DEPENDENT
 Asst. Postmaster General (S. & V.)
 O/c. (S. & V.)
 A.P. Circle, Hyderabad-500 001.

earlier paras, suitable decision may kindly be taken. ~~at Circle Office level.~~

13. In respect of the averments in para 7(1) to 7(8) of the O.A., it is to state that the statutory recruitment rules of 1976 have not been repealed, cancelled even after introduction of TBOP/BCR Schemes. In the light of various comments furnished above, the case of the applicants has to be decided. The decision given in O.A. No. 45/91 relates to Delhi Circle and no instructions to follow the same have been issued by the Directorate. Hence the question of extending similar benefits to the applicant does not arise. As far as the case of Sri B.V. Ramanaiah is concerned the said official appears to have been promoted on completion of sixteen years of service under the TBOP Scheme whereas the Applicant is claiming to be considered for promotion on par with them on the plea that he was his junior under the 1976 recruitment rules keeping the clarificatory orders dated 7.1.94 in mind. The decision of the C.A.T., Delhi, as declared in O.A. No. 45/91 is not made applicable to all similar cases. It is reiterated that the applicants have not completed 16 years of service in the clerical grade though qualified in PO & RMS Accountants Examination and hence not eligible to be promoted under TBOP Scheme. Sri B.V. Ramanaiah appears to be promoted on completion of prescribed length of service.

15. The averments in paragraphs 8 to 13 need no reply.


ATTESTOR
 सहायक लेखा अधिकारी (बजट)
 Assistant Accounts Officer (Budget)
 मुख्य पोस्टमास्टर जनरल का कार्यालय
 Office of the Master General
 ऑफिस पोस्टमास्टर जनरल
 A.P. CIRCLE, HYDERABAD-500 001


DEPONENT
 Asst. Postmaster General (S. & V.)
 O/o. Chief Master General,
 A.P. Circle, Hyderabad-500 001.

For the reasons stated in the above paragraphs, it is prayed that this Honourable Court may be pleased to dismiss the O.A. and pass such further order or orders as deemed fit and proper.

H Rao
 DEPONENT
 Asst. Postmaster General (S. & V.)
 O/o. Chief Postmaster General,
 A.P. Circle, Hyderabad-500 001.

VERIFICATION

I, H. Seshagiri Rao, s/o Narasimha Murthy, aged about 56 years, do hereby verify that the contents in the above paras are true to my personal knowledge and according to the legal advice of my Counsel and that I have not suppressed any material facts.

Hyderabad,

Dated : 16.1.1998

H Rao
 सहायक लेखा अधिकारी,
 Assistant Accounts Officer,
 निदेशक का लेखा कार्यालय,
 Office of the Director of Accounts (Postal),
 आंध्र प्रदेश, हैदराबाद-500 001.
 Andhra Circle, Hyderabad-500 001.

H Rao
 ASST. P.M. DEPONENT
 O/o. Chief Postmaster General,
 A.P. Circle, Hyderabad-500 001.

BRM*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH & AT HYDERABAD

O.A. No. 1222 of 1997

Between :

L.S. Sarma &
2 others .. Applicants

And

The Chief Postmaster-General,
A.P. Circle,
Hyderabad &
3 others .. Respondents

Filed on :



*Received copy
22/01/98
comm. for App. bench*

Filed by : Kota Bhaskar Rao
Addl. C.G.S.C.

*May be filed
28.1.98*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD- 500 004.

O.A., NO. 1222 OF 1997

BETWEEN:

L.S.SHARMA S/O Late Lakshminarayana Iyer
and 2 Others.

... APPLICANTS.

A N D

1. UNION OF INDIA: Rep, by:

The Chief Postmaster-General,
Andhra Pradesh Circle, Hyderabad-500 001,
and 3 Others.

... RESPONDENTS

: REJOINDER STATEMENT FILED BY THE APPLICANTS:

I, L.S.Sharma son of late R.D.Lakshminarayana Iyer, aged about 42 years R/O Hyderabad do hereby solemnly and sincerely state on oath as follows:

I am the applicant herein and as such I am well acquainted with all facts of the case. I am filing this Rejoinder statement on behalf of the other applicants also.

2. I have read a copy of the Reply statement filed by the respondents in this O.A. I hereby deny all averments made by the respondents in their Reply statement save those that are specifically admitted herein under. The respondents are put to strict proof of all such averments.

3. The applicants humbly submit that the respondents have categorically admitted in para 4 of their Reply statement that the 1 st. applicant herein has been promoted to the post of Postal Asst. in the scale of pay of Rs.975-1660 (Pre-revised) from 31-8-1983 and has been working as such since then. It is further admitted by them that the applicant had qualified in the Post-Office and Railway Mail Service (PO & RMS for short) Accountants Examn. held in 1989. It is also admitted by the respondents that the post of PO & RMS Accountants carry additional responsibilities as compared to other Postal Assistants and hence they are paid a special pay of Rs.90/- per month and that there is no separate cadre for them with distinct pay scale though they carry additional responsibilities. The special pay granted to

No. of corrections: 112 Attestor:

L.S.Sharma
DEPONENT.

: 2 :

will be taken into account for fixation of pay on promotion to higher post if the same is continued to be drawn for 3 years and more.

4. It is further admitted by the respondents that the statutory rules promulgated under the powers vested under proviso to Article 309 of the Constitution of India and communicated under Director-General, Posts & Tels. letter No.6-26/73-SPB.II dated 30-9-1976 and called as 'P&T (Selection Grade Posts) Recruitment Rules, 1976 (ANNEXURE.IV of Main OA) which came into force from 02-11-1976 herein after called the 'Recruitment Rules' providing for giving to :

- (a) those who entered as ordinary Postal Assistants in the scale of pay of Rs.975-1660 (Pre-revised) and had put in ten years of regular service in that cadre are eligible to be considered for promotion to Lower Selection Grade (LSG for short) against specifically earmarked posts meant for them in the scale of Rs.1400-2300 (Pre-revised) and to the extent of 66-2/3 rd. per cent on the basis of SENIORITY cum FITNESS,
- (b) the remaining 33-1/3 rd. per cent of the higher posts are to be filled by SELECTION.
- (c) In respect of those who qualified in PO & RMS Accountants Examn. a distinct set of rules were prescribed at serial 15 of the said Recruitment Rules providing a block number of posts duly earmarked exclusively for them. Those who had put in 10 years of service in the Postal Assistants cadre and passed PO & RMS Accountants Examn. were alone eligible.

In other-words Postal Assistants who did not pass PO & RMS Accountants Examn. had a separate and distinct channel of promotion to LSG while those who qualified in the PO & RMS Accountants Examn. but continued to work as P.As or PO & RMS Accountants had another separate quota of posts earmarked for them and for which they were alone eligible. The respondents have categorically admitted in para 6 of their reply statement (concluding sentence) that these Recruitment Rules have not yet been replaced by another set of recruitment rules. Hence they continue to be in force till date.

No. of corrections: *na* 2 Attestor:

P. S. Sharma
DEPONENT.

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For the purpose of promotion from amongst those who qualified in PO & RMS Examn. and have put in not less than 10 years of regular service both as Postal Assistants and PO & RMS Accountants, the seniority determined as per the year of their passing the PO & RMS Examn. will be the criteria. So to say, those passing the PO & RMS Examn. in a particular year would enblock rank senior to those passing in subsequent years. Inter-se seniority of those passing the PO & RMS Examn. in the same batch being fixed according to their seniority in the Postal Assistants cadre. These principles continue to be enforceable till now as the Recruitment rules are still in force and not ~~repealed~~ replaced by another set of Recruitment Rules. The applicants who are all qualified as PO & RMS Accountants and whose service particulars as stated in the main O.A are not in dispute are governed by the said Recruitment Rules, 1976. It was further clarified in DG P&T letter dated 7-1-74 (ANNEXURE.VII of Main OA.) that if a senior is left out for want of requisite length of service in Postal Assistant's cadre for being considered for LSG Accountants posts (1400 -2300 pre-revised scale) and a junior is to be considered since the latter has the requisite length of service, then the rights of the senior have to be considered notwithstanding the service condition in the Postal Assistants Grade by way of grant of necessary relaxation to such senior official and thus bringing him within the zone of consideration. This position is also categorically accepted by the respondents in the last sentence of para 8 of their Reply statement.

5. The applicants further submit that the Dept. of Posts have later introduced a new scheme of promotion called Time bound one promotion (TBOP for short) Scheme during 1983, effective from 30-11-83 under which promotion to the next higher grade is to be considered on completion of 16 years of service subject to seniority cum fitness. This scheme is not in supersession or replacement of the statutory Recruitment Rules, 1976 as has been clearly admitted by the respondents themselves in para 9 their reply statement. The new scheme is only an additional channel related to length of service whereas the

No. of corrections: *two*Attestor: *[Signature]**[Signature]*
DEPONENT.

earlier Recruitment Rules, 1976 are post related. The applicants in this OA are not seeking promotion under the TBOP Scheme of 1983 but are claiming promotion under the Statutory Recruitment Rules, 1976 which continue to be in force even today.

6. The applicants are all qualified PO & RMS Accountants as stated in para 6.1. of the main O.A and have also completed more than 10 years of service in the Postal Assistant / PO & RMS Accountants ~~grade~~ (Scale of pay of Rs.975-1660-pre-revised) and hence fully entitled to be considered and promoted to the next higher grade of Lower Selection Grade PO & RMS Accountants in the scale of pay of Rs.1400 - 2300 as per the statutory recruitment Rules, 1976 which are in force till date. This question came up before the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A., No.45 of 1991-decided on 24-2-1995 (ANNEXURE.XXII Page 86 to 93 of Main O.A.) and a similar relief is claimed by the applicants in this O.A. Though the respondents admit that the applicants are similarly placed they plead that they could not extend these benefits to all similarly placed persons as no follow up directions have been received from the Director-General, Posts, New Delhi. (Para 13 of the Reply statement).

7. The applicants further submit that Sri.B.V.Ramanaiah who had passed the PO & RMS Accountants Examn. in 1990 had been promoted to Lower Selection Grade PO & RMS Accountants in the scale of Rs.1400-2300 with effect from 3-7-94 on completion of 16 years of service in the Postal Assistant's Grade, his date of entry being 23-06-1978. In that case, he should be deemed to have opted for Postal Assistants grade ~~and PO & RMS Accountants Grade~~ and should not have held the post of Lower Selection Grade PO & RMS Accountants in the scale of Rs.1400-2300 which is clearly earmarked to be filled by promotion under Recruitment Rules, 1976 which were post related and not related to length of service. In such cases, the Recruitment Rules, 1976 as clarified by DG Posts

No. of corrections: 2 Attestor:


DEPONENT.

: 5 :

in his letter dated 7-1-74 (ANNEXURE VII of Main OA) the cases of the applicants who had not put in the required length of service in P.As cadre should have been considered by grant of necessary relaxation as per Recruitment Rules, 1976. On the other hand if the promotion of Sri.B.V.Ramanaiah is as per the TBOP scheme, the applicants who are senior to him in the PO & RMS Accountants Cadre by virtue of their passing the said examn. should have been considered for promotion as per the orders dated 8-2-96 (ANNEXURE. XI page 68 to 69 Main O.A.). Thus the applicants have been denied consideration of their cases for promotion under the Statutory rules, 1976 which continue to be in force even till date as has been ^{ver} held by the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in their judgement dated 24-2-95 in O.A.No.45/91 (ANNEXURE.XX of Main OA.) and also denied such promotion under TBOP Scheme though their junior in the grade was duly considered and promoted to the Lower Selection Grade in the scale of pay of Rs.1400-2300 and relaxation of length of service condition as provided under the rules has been unreasonably denied to them in violation of provisions contained in letter dated 8-2-96 (ANNEXURE. XI of the Main OA.). Therefore, the rejection of the claim of the applicants for promotion to the next higher ~~canse~~ of Lower Selection Grade PO & RMS Accountants ^{pre-} (in the scale of pay of Rs.1400-2300/^{revised}) under the valid Recruitment Rules, 1976 or to give such promotion under the TBOP scheme, 1983 from the date their junior has been promoted to the Lower Selection Grade (1400-2300 pre-revised) is highly arbitrary, discriminatory, illegal, violative of the statutory recruitment Rules in force and hence null and void and unsustainable in law!

8. PRAYER: In the circumstances stated above, the applicants ^{may be pleased} most humbly pray this Hon'ble Tribunal to set aside the irregular order of rejection of their claims as communicated by the respondent in their letters dated 11-8-97 (ANNEXURE.I of Main OA.) 4-8-97 (ANNEXURE.II of Main OA) and 27-8-97 (ANNEXURE.III of Main OA.)

No. of corrections: *5* Attestor:

D. S. S. S. S. S.
DEPONENT.

by declaring the same as null and void and violative of the statutory Recruitment Rules, 1976 which are admittedly still in force and with a consequential direction to the respondents to give the applicants herein the benefit of judgement dated 24-2-1995 in OA.No.45/91 pronounced by the Hon'ble Principal Bench of Central Administrative Tribunal, New Delhi as the applicants are similarly placed with consequential benefits and to grant such other order of relief or reliefs as this Hon'ble may deem fit and proper in the circumstances of the case.

: VERIFICATION:

I, L.S.Shamma s/o late R.D.Lakshminarayana Iyyer, aged about 42 years R/O Hyderabad, Occupation: PO & RMS Accountant, Hyderabad City Postal Division, the applicant herein and also duly authorised by the other applicants in this O.A do hereby solemnly and sincerely affirm on oath and state that the facts stated above are true and that they have not suppressed any material facts pertaining to the case.

Hyderabad-4,
5-3-1999.

SWORN and SIGNED at Hyderabad
on this 5th Day of March, 1999

BEFORE ME
S. M. V. S.
ADVOCATE.

✓ 1 FAIRLIST ON 8-3-99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.500 004.

O.A.No.} 222 of 1997.

BETWEEN:

L.S.Sharma s/o Late R.D.Lakshminarayana
Iyyer.

and 2 others. .. APPLICANTS.

A N D

1.UNION OF INDIA:Rep.by:

The Chief Postmaster-General,
Andhra Pradesh Circle,Hyderabad.1

and 3 others. .. RESPONDENTS.

REJOINDER STATEMENT FILED BY THE
APPLICANTS



Filed on 5 th.March,1999.

AS
Y. Appala Raju
5/3/99

Filed by: Y.APPALA RAJU,
Counsel for Applicants.

for Seal:

Y. APPALA RAJU,
Advocate.
C.A.T. Hyderabad.

may be filed
or
5/3/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDRABAD

ORIGINAL APPLICATION NO.1222 of 1997

DATE OF ORDER: 1st APRIL, 1999

BETWEEN:

- ✓
1. L.S.SARMA,
2. RAJINI NATARAJAN (Smt.),
3. V.K.RAVICHANDER.

.. APPLICANTS

AND

1. Union of India rep. by
the Chief Postmaster General,
Andhra Pradesh circle,
Hyderabad-500001,
2. The Director of Postal Services,
Hyderabad city Region,
O/o the CPMG, A.P.Circle,
Hyderabad 500001,
3. The Sr.Superintendent of Post Offices,
Hyderabad City Division,
Hyderabad 500001,
4. The Sr.Superintendent of Post Offices,
Secunderabad Division,
Secunderabad 500 016.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr. Y.APPALA RAJU

COUNSEL FOR THE RESPONDENTS: Mr.B.NARASIMHA SARMA, Adl.CGSC

CORAM:

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

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

JUDGMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.Y.Appala Raju, learned counsel for the
applicants and Mr.Jacob for Mr.B.Narasimha Sarma, learned
standing counsel for the respondents.

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2. There are 3 applicants in this OA. They have joined as Postal Assistants in the scale of pay of Rs.975-1660 with effect from 31.8.83, 23.11.81 and 21.11.81 respectively. All the three applicants had qualified in the PO and RMS Accountants' examination held in 1989, 1986 and 1987. The applicants submit that there is a scheme for promotion to the cadre of PO and RMS Accountant in the scale of pay of Rs.1400-2300 for those officials who had qualified in the PO and RMS Accountants' examination in terms of Posts and Telegraphs (Selection Grade Posts) Recruitment Rules, 1976 communicated vide GSR No.1643 (D.G.Letter No.6/26/73-SPB II, dated 30.9.76) (Annexure IV at page 21 to the OA). But the post of PO and RMS Accountant in the scale of pay of Rs.1400-2300 is to be filled on the basis of the availability of vacancies from those who have passed the said examination. The seniority of those passed the said examination is as per the year of examination. All the three applicants submit that they had completed 10 years of service some time between 1991 and 1993. Hence they should have been promoted to the scale of Rs.1400-2300 as per the scheme dated 30.9.76 against the vacancies that had arisen in the cadre of PO and RMS Accountants (LSG) in the scale of pay of Rs.1400-2300. They complain that one of their junior Mr.B.V.Ramanaiah has been posted against that post as he had qualified for promotion under TBOP scheme. The case of the applicant NO.1 was rejected by the impugned order dated 11.8.97 (Annexure A-I at page 18 to the OA). A reading of the letter indicates that the applicant requested for promotion ^{under} in TBOP scheme on par with Shri Ramanaiah. That was

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rejected as he had not completed 16 years of service. Similarly 2nd and 3rd applicants had also submitted representations which were rejected by Annexures A-1 and A2 letters on the same ground.

3. This OA is filed to set-aside the impugned orders of R-1 issued on 11.8.97, 4.8.97 and 27.8.97 by memo as communicated by R-3 and R-4 and for consequential direction to the respondents to consider the case of the applicants for promotion to the post of LSG Accountant in accordance with their seniority and as per the Recruitment Rules of 1976 from the date their immediate junior Shri B.V.Ramanaiah was promoted, with all consequential benefits.

4. The applicants have not completed 16 years of service for consideration for promotion under OTBP scheme. But they submit that there are LSG posts in PO and RMS Accountants cadre and those who passed the departmental examination and completed 10 years of service have to be promoted against those posts irrespective of the fact ~~that~~ whether they ^{had} completed 16 years of service or not. But the applicants can be promoted against those posts only if there are vacancies earmarked for such promotion. The respondents in their reply submit that there are no vacancies. The applicants submit that there ^{were} ~~are~~ vacancies but those vacancies were filled by OTBP promotees like Shri B.V.Ramanaiah and others.

5. If any employee has been promoted against LSG post earmarked for PO and RMS Examination passed candidates

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under OTBP scheme, then the applicants should have challenged that, so that those posts can be released from the promoted employees' quota and given to the applicants herein. But there is no such challenge placed before us. The applicants submit that one Mr.B.V.Ramanaiah was promoted against a post which normally goes to the applicants who have passed the departmental examination for promotion as LSG under 1976 Recruitment Rules. But the promotion order of Shri Ramanaiah is not challenged and Shri Ramanaiah also is not before us to pass any order.

6. We asked the learned counsel for the applicants to indicate the vacancies that are available against which the applicants can be promoted in accordance with 1976 Recruitment Rules. The learned counsel for the applicants conveyed his inability to indicate any vacancies. As the respondents categorically stated that there are no vacancies, it is not possible for us to give any direction favourable to the applicants herein. However, in order to ensure that the applicants convey their case in a proper way to the respondents to get their relief, we are of the opinion that the applicants may now, if so advised, submit a detailed representation indicating the vacancies for them to be promoted as LSG in the scale of pay of Rs.1400-2300 in accordance with 1976 Recruitment Rules and if such a representation is received, we have no doubt in ^{our} mind that the respondents will pass appropriate order considering the various points ^{raised} ~~to be made~~ in their representation.

7. In the result, following direction is given:-

The applicants, if so advised, may submit a detailed representation to the respondent-authorities for

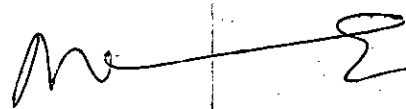
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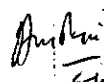
considering their case against the vacancies which had arisen after they had completed 10 years of service for promotion as LSG in the scale of pay scale of Rs.1400-2300 under the Recruitment Rules, 1976. If such a representation is received, the respondents should dispose of that representation within three months from the date of receipt of a copy of that representation.

8. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)


(R. RANGARAJAN)
MEMBER (ADMN.)

1.4.99
DATED : 1st APRIL, 1999
Dictated in the open court


J. Srinivas

vsn

Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

~~1ST AND 11ND COURT~~

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR:
VICE - CHAIRMAN

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

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

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (J)

DATED: 11/4/99

ORDER/ JUDGEMENT

~~MA./RA./CP.No.~~

IN

O.A. NO. 1222/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR.

8 copies

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैषम्य // DESPATCH

12 APR 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH