

FORM NO. 21.

(SEC. RULE 114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

~~MA. 2/98~~

~~IN~~

~~O A/ TA~~

1238

OF 1997

.....M. Yashwanth.....2.10.00.....Applicant (S)

Versus

.....The Secretary & Director General D/o P.O.

.....New Delhi & ... Respondent (S)

INDEX SHEET

Serial No

Description of Documents
and Dates.

Pages.

Docket Orders.

Interim orders

Order in MA (S)

Reply Statement

Rejoinder

Orders In (Final Orders)

.....M.A. 22/98.....

17-9-97
19-1-98

75 to 77
78 to 81
82 to 83

17089

Certified that the file is Complete
in all respects.

Signature of
Dealing Hand.

(In Record Section)

Signature of S.S.

Part III and II

De Strend

P. Singh
16/3/11

OA. Sr. 213/97

OA. 1238/97

Date	Office Note	Orders
		<p><u>17-9-97</u></p> <p>MA. 684/97 is allowed Order vide MA sheet. Register the OA.</p> <p>OA is ordered at the admission stage itself. Order vide separate sheet. No cost.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><i>R</i></p> <p>HBSP M(C)</p> </div> <div style="text-align: center;"> <p><i>↓</i></p> <p>HRRN M(A)</p> </div> </div> <p><u>21.10.97</u></p> <p>No point need clarification in the judgement. Hence no order is necessary.</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><i>Je</i></p> <p>HBSP M(C)</p> </div> <div style="text-align: center;"> <p><i>↓</i></p> <p>HRRN M(A)</p> </div> </div>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

O A. NO. 1238 OF 1997.

M. Yadaiah & 10 others Applicant(s)

VERSUS

The Secretary & Director General, D/o Posts (Respondent)
New Delhi & another

Date	Office Note	ORDER
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23-7-97

MA 685/97 is allowed.
Order vide MA sheet No 16 cost.

MA 684/97.

Notice.

list it on 27-8-97.

JL
HBSJP
M(5)

ARRAN
M(18)

8-9-97

Sri Appal Raju for the
applicants and Sri Koba Bhaskar
Rao for the respondents.

2. Counsel for the respondents
requests time up to 12-9-97.

Hence list it on 12-9-97. If no
reply is filed by that date
MA will be allowed on that date.

JL
HBSJP
M(5)

ARRAN
M(4)

From:

Kota Bhaskara Rao,
M.Com., L.L.B.
Advocate.
Additional Central Govt.
CAT,
HYDERABAD.

To

The Registrar,
CAT, Hyderabad Bench,
HYDERABAD.

FOR BEING MENTIONED

The OA 1238/97 was disposed of on 17-9-97 with a direction that R1 and R2 should dispose of the representations of the applicants judiciously taking due note of the observations/directions given in OA 1022/95 dt 13-12-95 within a period of two months from the date of receipt of a copy of the Judgement and the OA was ordered accordingly at the admission stage.

It is submitted that the officials against whom the applicants claimed seniority were transferred under Rule 38 of P & T Manual, Vol IV and were promoted to LSG cadre under T BOP Scheme vide ST/47-45/Co-Ro's/93 dt 4-1-94. The applicants submitted identical representations against the orders dt 4-1-94. After that the respondents issued modification orders vide 22-5/95-PE-I dt 8-2-96 and 22-5/95-PE-I dt 26-3-96 and the same were circulated to all the employees. As the representations of the applicants were identical no individual replies were given to them by the respondents. The applicants have not submitted any representations after issue of the modified orders dt 8-2-96 and 26-3-96. As such the order dt 17-9-97 needs modification. It is therefore requested to post the above OA under for Being Mentioned after circulation.


(KOTA BHASKARA RAO).

Recd copy

Sanjay

Counsel.

16/X/97

Post-Box
Post-Box 110
(13-03)
Cm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / ~~MA~~ / ~~RA~~ / ~~CP~~ / ~~MA~~ / ~~PT~~ : 1238 of 1997

.. M. Yadaiah & 10. 28b Applicant(s)

Versus

.. The Secretary & Director General, .. Respondent(s)
D/o P&T, New Delhi & Aor.

INDEX SHEET

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Docket Orders	—	1
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Orders in MA (s)	—	—
Orders in (Final Orders)	17-9-97	75-78

Signature of
Dealing Hand
(In Record Section)

28b
30/9/97

Certified that the file is complete
in all respects.

Signature of S.O.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO.

OF 1997.

M. Yadavish & 10 Others

Applicant(s)

VERSUS

Union of India, Repd. by.

Secy. & Dir. Genl.

Dep't. of Posts, New Delhi

& another


Respondent(s)

The application has been submitted to the Tribunal by
Shri Y. Appala Raja 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.

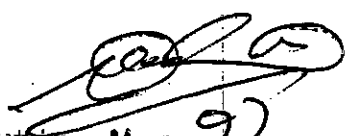
The Application is in order and may be listed for
Admission on 12/97

It As be listed


Scrutiny Asst. (18/7/97)


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. *✓*
12. Has the applicant exhausted all available remedies. *✓*
13. Has the Index of documents been filed, and pagination done properly. *✓*
14. Has the declaration as required by item No. 7 of form, I been made. *✓*
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. *✓*
16. (a) whether the relief sought for, arise out of single cause of action. *✓*
(b) whether any interim relief is prayed for, *✓*
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. *✓*
18. Whether this case be heard by single Bench. *No*
19. Any other Point. *—*
20. Result of the Scrutiny with initial of the Scrutiny clerk. *May be filed*


Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH ; HYDERABAD.

Dairy No. 2131

Report in the Scrutiny of Application.

Presented by M.A. Rogu Date of Presentation.

Applicant (s) M. Yedelech & ors. 15.7.51

Respondent (s) De, Pals, sell' 1000.

Nature of grievance

No. of Applicants 11 No of Respondents 2

CLASSIFICATION

Subject Promotions (No. 20) Department : Police (No. 11)

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

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

INDEX SHEET

D.A.NO. 1238 of 1997.CAUSE TITLE M. Yadaiah & 10 others

VERSUS

The Secretary & D-4, D/o Post, New Delhi & Anot

SL.NO.	Description of documents	Page No.
1.	Original Application	1 to 14
2.	MATERIAL PAPERS	15 to 67
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies 2 (Two)	
6.	Covers 2 A	

Reg:- To Quash the OTBP Scheme dt. 22.7.93 issued by R₁ and direct the Responders to modify the Scheme suitably to protect the officials like applicants in their promotion to LSG cadre IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD-4 and direct the Responders to promote them to LSG Cadre w.e.f. 26.6.93.

O.A.No. 1238 of 1997

बेच/ BENCH CASE
बेच

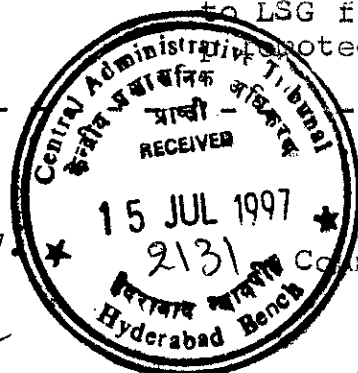
Chronological Statement of Events

90 Promotion

Sl.No.	Date	Event	बेच/POSTAL
A-1	01-07-86	Circle graduation list as on 01-07-1986	Postal (1)
A-2	01-07-96	" " 01-07-1996.	
A-3	22-07-93	Order No.4-12/88-PEI (Pt) dated 22-07-1993 DEDG Posts (R-1) introducing TBOP/BCR scheme in C.Os/R.Os.	(C)
A-4	07-01-94	Memo.No.ST/47-5/COTBOP/93, dated 07-01-1994 iss used by the CPMG Hyd. (R-2) bringing all the staff in C.Os under the scheme.	
A-5	04-01-94	Memo iss used by R-2 promoting the juniors to the applicants to LSG Cadre under the TBOP scheme (No.ST/47-5/Co/Ros/TBOP/93, dated 06-01-1994.)	
A-6	5-12-94	- (No.ST/47-5/Co-Ros/TBOP/dated 5-12-94)	
A-7	31-08-95	- do - (No.ST/47-5/Co-Ros/TBOP/RG95-96 dated 31-08-1995.	
A-8	26-12-95	Clerfications on TBOP/BCR scheme from DG posts R-1 (Do.Lr.No.22-5/95/PEI dated 26-12-1995.	
A-9	08-02-96	- do - (Lr.No.22-5-/95/PEI dated 08-02-1996)	
A-10	26-03-96	- do - (Lr.No.22-5/95-PEI. dated 26-03-96)	
A-11	24-09-96	- do - (Lr.No.44-60/96-SPB.II dated 24-09-96)	
A-12	-	Extract of Rules from P&T Manual Vol.IV	
A-13	13-12-95	Judgement dated 13-12-95 in O.A.1022/95 of the Hon'ble CAT, Hyderabad Bench.	
A-14	24-2-95	Judgement dated 24-02-1995 in O.A.45/91, of the Hon'ble Principal Bench, CAT, New Delhi.	
A-15 } to A-25 }	23-12-94	Identical representations submitted by the applicants to R-2 to promote them to LSG from the date their juniors were promoted.	

Hyderabad,

Dt:30-06-1997



S. Murthy

Counsel for the Applicants.

Annexed to:

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD
BENCH AT HYDERABAD-4

O.A.NO. 1238 of 1997

Title of the case : M.Yadaiah & 10 others Vs.
U.O.I. & another

INDEX OF MATERIAL PAPERS


S.No.	Particulars of Documents	Annexure No.	Paper Nos. From to
			1 to 14
1.	Application		
	<u>MATERIAL PAPERS:</u>		
2.	Extracts from circle Gradation list as on 01-07-1986 issued by the CPMG, Hyderabad (R-2)	A1	15 to 17
3.	Extracts from circle Gradation list as on 01-07-1996 issued by R-2.	A2	18 to 23
3.	Order No.4-12/88-PE-I(Pt) dated 22-07-1993 issued by the D.G.Posts (R-1)	A3	24 & 25
4.	Memo.No.ST/47-5/COT BOP/93, dated 07-01-1994 issued by R-2	A4	26
5.	Memo.No.ST/47-5/Co-ROS/TBOP/93, dated 04-01-1994 issued by the R-2	A5	27 to 29
6.	Memo.No.ST/47-5/Co.ROS/TBOP dated 05-12-1994 issued by R-2	A6	30
7.	Memo.No.ST/47/5/Co-ROS/TBOP 05-96 dated 31-08-1995 of R-2	A7	31
8.	D.O.Letter No.22-5/95/PE.I dated 26-12-1995 from R-1	A8	32
9.	Letter No.22-5/95-PEI dated 08-02-1996 from R-1	A9	33 & 34
10.	Letter No.22-5/95-PEI dated 26-03-1996 from R-1	A10	35
11.	Letter No.44-60/96-SPB II dated 24-09-1996 from R-1	A11	36 & 37


contd...2

(1)	(2)	(3)	(4)
12.	Extracts of Rules 27-B 38 & 272-A of P & T Manual Vol.IV.	A12	38 to 43
13.	Judgement dated 13-12-1995 in O.A.No.1022/95, by the Hon'ble CAT, Hyd.Bench.	A13	44 to 49
14.	Judgement dated 24-02-1995 in O.A.No.45/91 of the Hon'ble Principal Bench, CAT, New Delhi.	A14	50 to 56
15.	Identical Representations submitted by applicants No.1 to 11 on 23-12-1994 ^{to} R-2. ^	A15 to A-25	57 to 67

Hyderabad,

Dt:30-06-1997.


Signature of Applicant No.7


Signature of Counsel for the Applicants.

For Office use

Date of filing:

Registration No.

for Registrar.

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD
BENCH AT HYDERABAD-4

(Under Section 19 of the A.T.Act, 1985)

O.A.No. 1238 of 1997

BETWEEN:

1. M.Yadaiah S/o Late M.Rajaiah (SC)
Aged 45 years, Postal Assistant
(PA-for short), office of the
Chief Postmaster-General, A.P.
Circle, Hyderabad-1 (O/o CPMG,
Hyderabad-for short).
2. M.Kondaiah S/o Late M.Mogaliah (SC)
Aged 38 years, PA, O/o CPMG, Hyderabad-1.
3. P.Eshwar S/o Late P.Jagadeeshwar,
Aged 43 years, PA, O/o CPMG, Hyd-1.
4. P.Laxminarayana S/o Late P.Narasimha,
Aged 47 years, PA, O/o CPMG,
Hyderabad-1.
5. Mohanlal S/o Janakiram,
Aged 53 years, PA, O/o CPMG, Hyd-1.
6. P.Vijayakumar, S/o P.Gopalrao,
aged 37 years, PA, O/o CPMG,
Hyderabad-1.
7. K.Ramachandram S/o K.Narasiah,
aged 40 years, PA, O/o CPMG,
Hyderabad-1.
8. A.Ramadass , S/o Late A.Sangaiah,
aged 39 years, PA, O/o CPMG,
Hyderabad-1.
9. Syed Aziz S/o Late Syed Khasim,
aged 50 years, PA, O/o CPMG, ~~(38)~~,
Hyderabad-1.
10. B.Dayanand, S/o Late Babaiah (SC)
Aged 46 years, PA, O/o CPMG, Hyd-1.
11. K.Balasuryarao S/o K.Satyanarayana
aged 45 years, PA, O/o CPMG, Hyderabad-1. Applicants.

A N D

- 1) The Union of India rep.by the
Secretary and Director-General,
Department of Posts, Dak Bhavan,
New Delhi-110 001.
- 2) The Chief Postmaster General,
A.P.Circle, Hyderabad-500 001. Respondents.

ADDRESS FOR SERVICE OF NOTICES ON THE APPLICANTS IS THAT OF THEIR COUNSEL:-

Y.APPALA RAJU & T.V.V.S.Murthy, Advocates,
H.NO.B-361, Phase-II,
Residential Complex,
Vanasthalipuram,
Hyderabad-500 070.

(a) PARTICULARS OF ORDERS AGAINST WHICH THE APPLICATION IS MADE:-

i,ii,iii) Director-General, Department of Posts, (D.G.Posts for short) (R-1) New Delhi Memo.No.4-12/88-PEI(Pt) dated 22-07-1993. (Annexure A-3 at Page No. 248/25) and letters No.22-5/PEI dated 08-02-1996 (Annexure-A9 at Page No. 338/34) and 44-60/SPB-II dated 24-09-1996 (Annexure A-11 at P.No. 368/37)

IV) CPMG, Hyderabad (R-2) Memos.No.ST/47-5/Co.ROS/TBOP/93, dated 04-01-1994, ST/47-5/Co- ROS/TBGP, dated 05-12-1994 & ST 47-5/Co-ROS/TBOP/95-96, dated 31-08-1995 (Annexure A5, 6&7 at P.No.s 27 to 31)

v) Representations dated 23-12-1994 of the applicants herein to R-2 (at Annexures A-15 to A-25 at P.No. 57 to 67)

1(b) SUBJECT IN BRIEF:-

The erstwhile juniors to the applicants herein were promoted to the higher cadre-LSG with effect from 26-06-1993 under the Time Bound one-promotion (TBOP for short) Scheme, ignoring their seniority in the LDC and postal Assistants cadre, due to anomalies in the scheme.

2. JURISDICTION OF THE TRIBUNAL:-

The applicants herein submit that the subject matter of the orders against which they want redressal is within the jurisdiction of this Hon'ble Tribunal as per section 14(i)(b) (ii) of the A.T.Act, 1985, as the applicants have been working as postal Assistants in the Office of the CPMG, Hyderabad and the PMG, Hyderabad.

contd...3

3. LIMITATION:-

The applicants submit and declare further that the application is within the limitation period prescribed in section 21 of the A.T. Act, 1985 as their representations dated 23-12-1994 addressed to R-2 vide Annexures A15 to A25 at Pages No. 57 to 67 have not yet been replied to. However a M.A to condone the delay in filing this O.A. is filed separately.

4. FACTS OF THE CASE:


4.1. The applicants submit that they were initially appointed as Group 'D' Officials and later promoted ^{as} Lower Division Clerks (LDCS-for short) in the office of the CPMG, Hyderabad after passing Departmental Examination for promotion. Their dates of initial appointment as LDCS are shown under cols.5 of the circle Gradation list as on 01-07-1986 at internal P.No.20 to 21 (Annexure A1 at P.Nos. ¹⁵ ~~14~~ to 17) and as shown under col.5 of the circle Gradation list as on 01-07-1996 at internal P.No.13 to 15 (Annexure A2 at P.No.s. 18 to 23)

4.2. The applicants submit that the Director-General, Department of posts (D.G.Posts for short) (R-1), by an order No.4-12/88-PEI (Pt) dated 22-07-1993 (Annexure A3 at P.Nos. 24 & 25) extended the Time-Bound-one-promotion (TBOP-for short) scheme and Biennial cadre Review (BCR-for short) scheme to the Group ² 'C' staff of the Administrative Offices (Circle Offices and Regional Offices) in the Department of posts with effect from 26-06-1993.

4.3. Para 3.12 of the order dated 22-07-1993 (Annexure A3 at P.No. 24 & 25) reads as under:

"3.12. Under this scheme, only such officials as have completed 16 and 20 years' service in the Postal Assts/UDC/LDC Grade will be eligible for promotion to the next higher grades of Rs.1400-2300 and Rs.1600-2660 respectively, if they are otherwise eligible. In cases where a senior has not completed the

contd...4



p rescribed period of services, whereas his/her junior has become eligible, then only the junior shall be considered eligible, for promotion. However, when the senior completed the prescribed service and is adjudged suitable for promotion then his/her original seniority will be restored vis-s-vis his/her junior in the lower grade. In such cases, promotion under this scheme will be subjected to the condition that the senior employee shall not be able to claim the benefit of higher pay fixation merely on the ground that officials who were junior to him in the lower grade are now drawing higher pay by virtue of early promotion."

4.4. Para 3.14 of the order dated 22-07-1993 (Annexure A-3) at P.No. 24 & 25 reads as follows:-

"3.14. The existing LDCs/UDCs/LSG 4/3rd quota officials who do not opt for this scheme will not be eligible for consideration against the existing promotional channels".

4.5. The applicants submit that all the Group 'C' staff in the circle and Regional Officers were brought under the new scheme of TBOP/BCR by the CPMG, Hyderabad (R-2) by his office Memo.No.ST/47-5/COT BOP/93, dated 07-01-1994 (Annexure A4 at P.No. 26).

4.6. The applicants submit that the CPMG, Hyderabad (R-2) by his office Memo.No.ST/47-5/Co-ROS/TBOP/93, dated 04-01-1994 (Annexure A5 at P.Nos. 27 to 29) promoted some of their juniors like Smt.A.Sesharatnam and Sri D.Sanjeeva Vide Sl.Nos.85 and 86 of the said Memo.No.dated 04-01-1994 (Annexure-A5) to the LSG cadre in the pay scale of Rs.1400-2300 under the TBOP Scheme, with effect from 26-06-1993 on the ground that they have completed 16 years of service.

4.7. The applicants submit that the applicants No.1 to 11 are shown respectively at Sl.No.18,35,36,38,39,40,41,42,45,46, and 47, of the seniority list of temporary LDCs at Pages 20 to 2


Internal
h

of the circle gradation list as on 01-07-1986 (Annexure-A1 at P.Nos. 15 to 17).

4.8. The applicants submit that the applicants No.1 to 11 are now shown under the head 'Postal Assistant's as internal P.Nos.13 to 15 of the latest Gradation list as on 01-07-1996 (Annexure-A2 at P.Nos. 18 to 23) at serial Nos.74,48,49,52,50, 51,46,47,69,65, and 66, respectively.

4.9. The applicants submit that Smt.A.Sesharathnam, LDC, SBCO, who was transferred under Rule 38 of P & T Manual Vol.IV to the circle office on -4-1982 and who was shown at Sl.No.8 of the circle gradation list as on 01-07-1986 at internal Page 19 (Annexure-A1 at P.No.15 to 17) under temporary LDCs was junior to all the applicants as LDCs & was promoted to LSG cadre with effect from 26-06-1993 under the TBOP scheme, on the ground that she completed 16 years of service vide the CPMG, Hyderabad (R-2) Memo.No.ST/47-5/Co-ROS/93, dated 04-01-1994 (Annexure A5 at Page No. 27 to 29). *she figured at sl.no. 87 under PAB in Annexure A2 at P.No. 21* vide sl.No.85 thereof. Similarly Shri D.Sanjeeva LDC., SBCO, who was transferred under Rule 38 of P & T Manual Vol.IV on 10-12-1986 (Vide R-2's Memo.No.ST/44-22/2/84, dated 10-11-1986 and who did not at all figure in the circle gradation list (Annexure-A1) as on 01-07-1986, and who figured at sl.no.77 of the circle gradation list as on 01-07-1996 under postal Assistants at internal page 15 of the list (Annexure No.A3 at Page No. 24 to 25), and who was thus junior to all the applicants herein was similarly promoted to the L.S.O.Cadre with effect from 26-06-1993 vide sl.no.86, of R-2's Memo.No.ST/47-5/Co-R TBOP/93, dated 04-01-1994 (Annexure A5) at Page No. 27 to 29)

4.10. The applicants submit that similarly some other officials vizs Shri J.Ammaji, T.P.Sastry, V.R.Vijayabhaskar.P. Srinivasivasareddy and at G.C.Saibaba at sl.Nos.56,72, 84, and 89 of the gradation list dated 01-07-1996 (Annexure-A2) who were junior to the applicants herein were promoted as LSG PAS on the



ground that they completed 16 years of service, superseding the applicants (Vide R-2's Memo.No.ST/47-5/Co-ROs/TBOP, dated 05-12-1994 (Annexure-A6 at P.No. 30) & Memo.No.ST/47-5/Co-Ros/TBOP, 95-96, dated 31-08-1995 (Annexure A7 at P.No. 31)). This is an anomaly arising out of the TBOP scheme which requires to be rectified by modifying the TBOP scheme suitably to protect the interest of the officials like the applicants for their promotion from the PA cadre to the LSG cadre from the date their juniors were promoted. But in subsequent modifications and clarifications issued by the D.G.Posts (R-1) so far this aspect has not yet been considered.

4.11. In view of the anomaly arising out of the promotion of their juniors, the applicants herein submitted identical representations on 23-12-1994 vide Annexures A15 to A25 at P.Nos. 57 to 67 to the CPMG, Hyderabad (R-2) requesting him to promote them also as LSG PAs with effect from 26-06-1993, the date on which their juniors were promoted. But no reply has been received from R-2 with reference to these representations so far.

4.12. The applicants submit that the existing Recruitment Rules for promotion to the LSG cadre in the circle offices made under the proviso to Art.309 of the constitution, cannot be substituted by the TBOP/BCR scheme introduced through an administrative circular dated 22-07-1993 (Annexure A3 at P.No. 24 & 25) to the disadvantage of the applicants. It is now well settled that administrative instructions cannot modify or annul the provisions in the Recruitment Rules framed under proviso to Art 309 of the constitution, unless the anomalies pointed out by the applicants in the TBOP/BCR scheme are considered and removed. It is unfortunate that R-1 and R-2 are not yet seized of this position to remove these anomalies in the TBOP scheme.

:: 7 ::

are considered and removed. It is unfortunate that R-1 and R-2 are not yet seized of this position to remove these anomalies in the TBOP scheme.

4.13. The applicants submit that in pursuance to the decision dated 27-09-1994 of the Hon'ble CAT, Hyderabad Bench in O.As 961/93, and 352/94, it was decided by R-1 to implement the judgment, as the SLP filed by the Department was dismissed, and it was intimated by D.G.Posts (R-1) vide his office D.O.Letter No.22-5/95-PE.II, dated 26-12-1995 (Annexure A8 at P.No. 32) that it was agreed in principle to modify the BCR scheme and that further instructions would follow.

4.14. The applicants submit that the D.G.Posts (R-1) vide his office Memo.No.22-5/95-PE.I, dated 08-02-1996 (Annexure A-9 at P.No. 33834) rectified some of the anomalies in the scheme partially but still maintained that this clarification will, however not be applicable to the officials who are senior to those officials brought on transfer under Rule 38 of P & T Manual Vol.IV and are placed in the next higher scale of pay by virtue of length service. Thus the applicants are discriminated against in violation of Art. 14 of the constitution.

4.15. The applicants submit that the D.G.Posts (R-1) vide his office memo.No.22-5/95-PEI, dated 26-03-1996 (Annexure-A-10) at P.No. 35) further clarified that the modifications of the scheme issued by the order dated 08-02-1996 (Annexure A9 at P.No.33834) are also applicable to such officials whose seniority was adversely affected by implementation of the TBOP scheme also, (Ipromotion), and that issues pertaining to seniority, dispute or promotion under Rule 38 of P & T Man Vol.IV, and other related issues, should be taken up with the staff Branch.

4.16. The applicants submit that the D.G.Posts (R-1) by his office letter No.44-60/96-SPB-II, dated 24-09-1996 (Annexure

contd...8

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A11) at P.No. 348/37 while reiterating the earlier stand that the modifications are applicable to officials whose seniority was adversely affected by the implementation of the TBOP scheme also, still persists that the officials senior to Rule 38 transferees will not be eligible for promotion to the higher scale, when a Rule 38 transferee gets his promotion on the basis of length of service, The clarifications to points No. 4, ⁷ 9, 13 and 15 in the order dated 24-09-1996. (Annexure - A11) may kindly be seen These clarifications are ambiguous and self-contradictory.

4.17. The applicants submit that the stand taken by R-1 in his clarifications is in violation of the various Rules in P & T Man Vol.IV which lay down as shown below.

- i) Rule 27-B of P & T Man Vol.IV:- Promotion to the LSG of the clerical cadre should be made normally in order of seniority.
- ii) Rule 38 of P & T Man.Vol.IV:- Rule 38 transfer is approved only without injury to the rights of ~~him~~ others. In order to safe-guard the rights of men borne in the gradation list, the official brought in should take the place in the new gradation list that would have been assigned to him had he been originally recruited in that unit.
- iii) Rule 38 (ii) of P & T Man.Vol.IV: When an official is transferred at his own request but without arranging for mutual exchange, he will rank junior in the gradation list of the new unit.
- iv) Rule 27 2-A (i) of P & T Man.Vol.IV:- Promotion to LSG in circle office in General line is made normally in order of seniority.

4.18. The applicants submit that in view of the violation of the Recruitment Rules and other Rules in the P & T Man. Vol.IV the TBOP scheme and the clarifications issued thereon by R-1 are arbitrary, illegal and violative of Arts 14 & 16 of the



constitution of India, as the applicants who are senior are not being promoted to the higher scale of LSG from the date their erstwhile juniors were promoted. An extract of the above Rules is enclosed as Annexure A12 at P.No. 38 to 43.

4.19. The applicants submit that the Recruitment Rules have not been amended and the Recruitment rules do not provide for the eligibility condition of 16 years of length of service for promotion to the LSG Cadre. The applicants are therefore deprived of their right for promotion to LSG based on their seniority as per the existing Rules which have not yet been amended. The TBOP scheme has not provided any relief to the officials like the applicants who are seniors in LDC/PA cadre. They can also be given the relief by considering their cases for promotion as ~~xx~~ per their seniority in LDC/PA cadre.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. The applicants submit that they were selected as LDCs in Departmental competitive examination by merit and have become senior. The introduction of the TBOP scheme of promotion after 16 years of service in the basic grade cannot be allowed to act arbitrarily in which the seniors will be in the lower scale, while their juniors will be placed in the higher scale. In a similar case relating to the BCR scheme, the Honourable CAT, Bangalore Bench in its decision dated 03-08-93 in O.A.408/92 observed: "In our opinion, this is an unacceptable position and the BCR scheme has been introduced arbitrarily without looking into the possible effects on officials like the applicants. We do not find any justification at all in such senior officials also not being promoted to Grade-III as per their seniority while granting promotions to others based on the length of their service.

5.2. The applicants submit that the same ratio was followed by this Honourable Tribunal in O.A.No.1022/95 decided on 13-12-95 in deciding the promotion of officials from the LSG to the HSG.III cadre. A copy of the said judgement is enclosed as

2

annexure A-13 at P.Nos. 44 to 49. The same ratio was followed by this Honourable Tribunal in O.A.Nos. 352/94 & 961/93 decided earlier on 29-07-1994, and in O.A.Nos. 65/1995, 766/95 & 138/95 decided on 15-11-1995.

5.3. The applicants submit that in O.A. 45/91 decided on 24-02-1995, the Honourable Principle Bench, New Delhi held (vide para 2 at P.Nos. 4) that seniors cannot be ignored just because they had not completed requisite number of years for being eligible to LSG. A copy of the said judgement is enclosed as Annexure A-14 at P.No. 56 to 56.

5.4. It is submitted that the accrued rights of the applicants to get promotion to LSG earlier than their juniors cannot be altered or taken away by the Respondents Nos. 1 & 2. The condition of 16 years service for promotion to LSG cadre cannot be made applicable to them.

5.5. It is submitted that the applicants by virtue of their seniority in the gradation list should be promoted to LSG Cadre before promoting their juniors with effect from 26-06-1993.

5.6. It is submitted that the TBOP scheme is not an amendment to Rule 27-B of the P & T Manual Vol. IV, and Recruitment Rules but that it is only an administrative order.

5.7. It is submitted that in the clarifications issued by the D.G. Posts (R-1 in his letter dated 08-02-1996 and 24-09-1996 (Annexures A-9 and A-11 at P.No. ^{33 34 and} ~~36~~ 37) no provision is made for protecting the right of promotion of the applicants herein such as LDGs and UDCs working on adhoc basis to the next higher grade i.e., LSG cadre based on the inter-se-seniority of the officials in the lower grade, though it is stated in para 3 of R-1's letter dated 08-02-1996 (Annexure ~~A9~~ at P.No. ^{33 34} 34) that it will be kept in tact for the purpose of eligibility for promotion to next higher grade.

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6. DETAILS OF REMEDIES EXHAUSTED:-

The applicants submitted representations dated 23-12-1994 (Annexures A 15 to A 25 at P.Nos. 57 to 67) to the Chief Postmaster-General, Andhra Pradesh, Circle, Hyderabad (R-2) in this regard, but no reply has been received by them so far. Aggrieved by this, the applicants have filed this O.A. seeking justice, as there is no other statutory remedy.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The applicants declare that they have not filed any application, writ petition or suit regarding the subject matter for which this application is made, before any court or any other Bench of this Tribunal nor any other application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT:-

In view of the facts mentioned in para 4 above and the grounds mentioned in para 5 above, the applicants herein pray that this Hon'ble Tribunal may be pleased:-

- i) To call for the relevant records relating to this case;
- ii) to quash the D.G.Posts (R-1) Memo.No.4-12/88-PEI (Pt) dated 22-07-1993 (Annexure-A3 at P.No.94825) and the clarifications issued by R-1 in his office letters No. 22-5/95-PEI, dated 08-02-1996 (Annexure A9 at P.No.33834) and No.44-60/96-SPB-II, dated 24-09-1996 (Annexure A11 of P.No.36837) to the extent that they deprive the applicants herein from their promotion the LSG cadre from the date their juniors were promoted, and direct the D.G.Posts (R-1) to modify the scheme suitably to protect the interests of the officials like the applicants herein for their promotion from the postal Assistants cadre to the LSG cadre from the date their erstwhile juniors are promoted and;
- iii) to direct the Respondents herein to consider the promotion



of the applicants to LSG cadre (Rs.1400-2300), without insisting on the condition of their completing 16 years service in the basic cadres as stipulated in the TBOP scheme, by virtue of their seniority in the LDC and PA cadres to their juniors who were promoted to the higher cadre by virtue of their having completed 16 years of service in the basic cadres, with effect from the date their erstwhile juniors were promoted to LSG cadres (Rs.1400-2300) i.e., with effect from 26-06-1993 with all consequential service and monetary benefits including seniority and payment of arrears of pay and allowances with interest at 18% p.a. from such date, or pass such other order or orders as deemed fit and necessary in the circumstances of the case.

9. INTERIM RELIEF PRAYED FOR:-

The applicants further pray that as the case is a covered case the case may kindly be disposed of early by fixing an early date for final hearing and pass such order or orders as deemed fit and proper in the circumstances of the case.

10. APPLICATION IS SUBMITTED THROUGH THEIR COUNSEL:-

Shri Y.Appala Raju & T.V.V.S.Murthy, Advocates,
H.No:B-361, Phase-II, Residential Complex, Vanasthalipuram
Hyderabad-500 070.

11. PARTICULARS OF INDIAN POSTAL ORDERS FILED IN RESPECT OF APPLICATION FEE:-

- | | |
|----------------------------------|--------------------------------------|
| i) No. of Indian Postal Order | : 8/10/437645 ⁶⁶⁷ Rs.50/- |
| ii) Name of issuing P.O | : Vanasthalipuram S.O |
| iii) Date of issue of IPO | : 28/6/97 |
| iv) Name of P.O at which payable | : Hyderabad G.P.O |

Rs. 50/- A

U.S. 50/- D. Remov contd...13

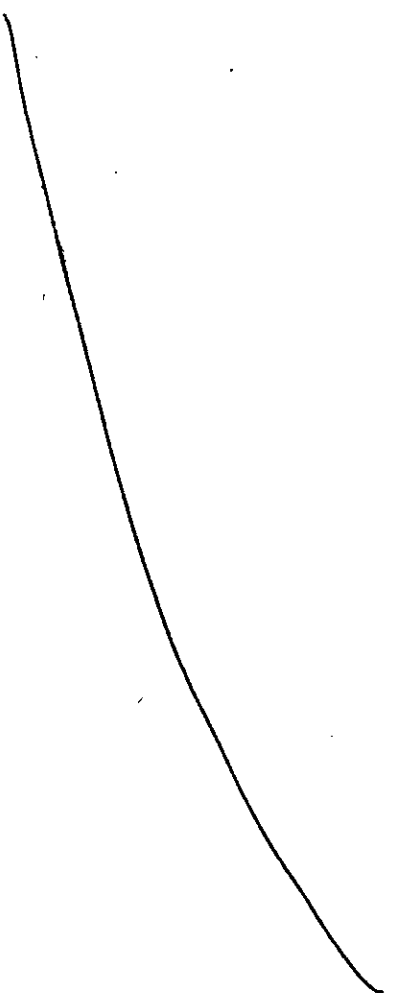


12. LIST OF ENCLOSURES:-

- i) Application
- ii) Material Papers as per index
- iii) Vakalat
- iv) Crossed IPO for Rs.50/- as stated above.
- v) Addressed envelopes with acknowledgments.

VERIFICATION

We, the applicants herein as shown in the ⁹case title, occupation, postal Assistants, Office of the Chief Postmaster General, Andhra Pradesh, Circle, Hyderabad and residents of Hyderabad, do hereby verify on our behalf that the contents of paras 1 to 4 and 6 to 12 above are true to our personal knowledge and those of para ⁵3 are believed to be true as per legal ²advice and we have not suppressed any material facts.



advice and we have not suppressed any material facts: -

- 1) M.Yadaiah M.Yadaiah
- 2) M.Kondaiah M.Kondaiah
- 3) P.Eshwar P.Eshwar
- 4) P.Laxmi Narayana P.Laxmi Narayana
- 5) Mohanlal Mohanlal
- 6) P.Vijaya Kumar P.Vijaya Kumar
- 7) K.Ramachandram K.Ramachandram
- 8) A.Ramadass A.Ramadass
- 9) Syed Aziz Syed Aziz
- 10) B.Dayanand B.Dayanand
- 11) K.Balasurya Rao K.Balasurya Rao

Solemnly affirmed and signed

in my presence at Hyderabad on
30th
the day of June, 1997.

Before me.

[Signature]
ADVOCATE,
Hyderabad.

[Signature]
Counsel for the applicants.

To

The Registrar,
Central Administrative Tribunal,
Hyderabad Bench at Hyderabad-4.

Annexure A I

P 15

FOR OFFICIAL USE ONLY

GRADATION LIST OF OFFICIALS

IN THE OFFICE OF THE POSTMASTER-GENERAL

ANDHRA PRADESH CIRCLE:HYDERABAD

A N D

DIRECTOR OF POSTAL SERVICES

HYDERABAD : VIJAYAWADA : KURNOOL *VIJAYAWADA*

AS ON 1-7-1986

ISSUED UNDER THE AUTHORITY OF POSTMASTER-GENERAL

HYDERABAD-500001

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P (15) A

(20)

(Rs. 260-6-220-ES-6-6-325-8-334-E3-8-390-10-400) LDC Permanent

SL No.	NAME	Community	Date of birth	Date of entry in the Deptt.	Date of Substantive entry in the grade	Designation	Pay now drawn	Date of next increment	Date from which continuously working in the grade.	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	K. Seetharamulu		15-3-32	15-5-54	1-3-76	Off. UDC	476/-	1-1-87		
2	I. Viswanatharao		1-7-51	2-10-72	1-1-76	Offg. UDC	392/-	1-4-87		
3	K. Vijayakumar		2-3-48	17-1-67	1-6-77	Offg. UDC	392/-	1-4-87		
4	C. Satyanarayana		15-12-49	1-1-67	1-11-79	Offg. UDC	392/-	1-4-87		
5	P. Sreeravaram		4-12-48	13-2-74	1-3-81	Offg. UDC	330/-	1-2-87		
6	P. Krishna		12-7-49	15-1-74	17-1-80	Offg. UDC	330/-	1-2-87		
7	M. S. V. Ramana		2-3-48	29-1-67	1-3-82	Offg. UDC	370/-	1-12-86		
8	S. Sattaiiah		1-9-51	1-3-75	1-3-82	Offg. UDC	370/-	1-7-80		
9	P. S. Srinivasarao	SC	16-6-57	5-7-77	1-2-83	Offg. UDC	350/-	1-9-86		
10	P. Seethadevi		5-12-50	1-1-77	1-2-83	LDC				
11	G. V. Satyanarayana	SC	15-12-33	23-12-64	1-12-83	Offg. UDC	370/-	1-7-86		
12	Mir Hidayat Ali		27-3-30	19-10-76	1-10-84	Offg. UDC	330/-	1-7-86		
13	S. M. H. Nehri		14-10-50	10-1-77	20-10-84	LDC	314/-	1-3-87		
14	K. Eswar	ST	25-5-43	3-7-77	1-3-85	Offg. UDC				
15	Md. Jaffar Ali	UDC	20-5-45	19-10-67	1-3-85	LDC	314/-	1-7-86		

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-19-

1 2 3 4 5 6 7 8 9 10 11
 (B. 250-6-297-EB-6-326-3-334-EB-3-390-10-400) L DCs : Temporary

1. V.K. Sivakumar	16-11-55; 20-2-83	LDC	278/- 1-2-37
2. S. Nadrack Manohar <i>resigned</i>	12-9-56; 14-1-83	LDC	278/- 1-1-37
3. Kum. J. Rani Pranyasheela	18-12-60; 6-4-83	LDC	278/- 1-4-87
4. K. S. Narshankumar	18-8-62; 15-6-83	LDC	278/- 1-4-87
5. V. Venkataramana <i>resigned</i>	25-9-62; 12-5-83	LDC	278/- 1-5-87
6. Smt. Usha Prasad	1-7-53; 10-2-83	LDC	278/- 1-5-87
7. Syed Omar Hashmi	15-6-54; 3-9-70	LDC	272/- 1-9-86
8. Smt. A. Serharatham <i>LJH</i>	15-5-50; 28-1-76	LDC	272/- 1-1-37
9. M. V. Swanthia Kumari <i>resigned</i>	1-6-50; 5-11-83	LDC	272/- 1-11-86
10. K. S. Rama Sannith	27-6-62; 2-11-83	LDC	272/- 1-11-86
11. V. Venkataramana	12-3-60; 27-3-81	LDC	272/- 1-3-87
12. R. P. Prakasharao	11-3-55; 21-10-83	LDC	272/- 1-10-86
13. Kum. B. Krishnaveni <i>(24)</i>	11-3-51; 31-1-84	LDC	272/- 1-1-37
14. G. Venkataramana	20-1-63; 26-7-84	LDC	272/- 1-7-86
15. K. V. Kameswararao	23-3-57; 3-12-84	LDC	266/- 1-12-86
16. Smt. G. Sree Devi	20-2-61; 14-12-84	LDC	266/- 1-12-86

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P. (16)

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1 2 3 4 5 6 7 8 9 10 11

17.	Anil Chandra S harma		22-7-64	1-3-85		LDC	260/-			
✓ 18.	M. Yadaiah	SC	13-10-57	6-9-80		LDC	260/-			
19.	Kum. Shoba Menon		3-7-65	19-8-85		LDC	260/-	1-3-86		
20.	Kum. S. Anuradha		14-6-61	10-4-85		LDC	266/-	1-4-87		
21.	SMT. U. Jyothiratha	SC	5-5-64	6-5-85		LDC	266/-	1-5-87		
22.	Smt. Daphne Ernestine		26-7-61	10-5-85		LDC	266/-	1-5-87		
23.	Kum. R. Kannamma	Jamal Madras	16-3-63	3-5-85		LDC	266/-	1-5-87		
24.	S. L. Venkata S ubbu		7-5-63	10-4-85		LDC	266/-	1-4-85		
25.	M. A. Shamentha Kumari	SC	5-3-62	20-4-85		LDC	266/-	1-4-87		
26.	Kum. V. Sandhya		13-7-65	15-7-85		LDC	266/-	1-7-86		
27.	R. V. Naga Sai		25-5-65	22-5-85		LDC	266/-	1-5-87		
28.	G. Ravi Kumar		24-6-66	6-6-85		LDC	260/-	1-6-86		
29.	S. Ramarao		6-7-63	7-6-85		LDC	266/-	1-6-87		
30.	R. Srinivasarao		5-6-62	22-7-85		LDC	266/-	1-7-86		
31.	N. N. S astry		1-2-52	24-9-73		LDC	326/-	1-3-87		
32.	K. R. Narasimha Prasad		15-3-66	22-10-85		LDC	260/-	1-10-86		

Subject & posting to
Applicant type for No. 1

U/R -33 from SBCO to Circle
joined on 23-12-35.
U/R-33 from SBCO to C.O. jo
on 17-1-36.

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1	2	3	4	5	6	7	8	9	10	11
33. Y. V. Achut Kumar			5-3-55	28-1-85	LDC	260/-	1-1-87			
34. Smt. G. Vajramani			3-3-57	29-5-85	LDC	260/-	1-5-87			
✓ 35. M. Kondaiiah	SC		6-9-48	21-7-74	LDC	290/-	1-5-87			
✓ 36. P. Eswar			12-7-53	15-5-74	LDC	290/-	1-5-87			
37. S. N. Reddy			15-10-37	19-4-74	LDC	290/-	1-5-87			
✓ 38. P. Laxminarayana			1-6-50	1-2-77	LDC	290/-	1-5-87			
✓ 39. Mohan Lal			12-3-44	6-2-71	LDC	290/-	1-5-87			
✓ 40. P. Vijay Kumar			14-1-60	5-6-71	LDC	272/-	1-8-87			
✓ 41. K. Ramachandram			5-3-57	19-12-81	LDC	260/-				
✓ 42. A. Ramadoss			11-6-53	23-11-81	LDC	260/-				
✓ 43. M. Seshpanthi	Railways		13-6-61	21-7-	LDC	260/-	Resigned with effect from 13-10-6			
44. K. Viswanath	SC		5-3-50	26-3-81	LDC	260/-				
✓ 45. S. yed Aziz			1-5-47	11-9-65	LDC	260/-				
✓ 46. B. Dayanand	SC		24-7-50	19-10-82	LDC	260/-				
✓ 47. K. B. Suryarao			8-10-51	26-5-83	LDC	260/-				
48. Smt. L. Rama Devi			18-6-55	13-1-84	LDC	260/-				

Applicant No. 2

Not passed type test within the permitted time. Hence lost seniority. App/7.No. 3

Applicant No. 4

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Sanusathy
Counhel

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For official
use only

G R A D A T I O N A L L I S T

of officials in the Office of
THE CHIEF POSTMASTER-GENERAL, A.P. CIRCLE, HYDERABAD

And

REGIONAL POSTMASTERS-GENERAL,

HYDERABAD / KURNOOL / VIJAYAWADA / VISAKHAPATNAM

As on 1-7-1996

Issued under the Authority of

The Chief Postmaster-General, A.P. Circle, Hyderabad

B. RAM
MOHAN

GRADATION LIST OF CIRCLE OFFICE / REGIONAL OFFICES

Sl. No.	Name	Community	Date of Birth	Date of entry in the Department	Designation	Office in which working	Pay now drawn	Date of next increment	Date from which continuously working in the Grade	Remarks
1	2	3	4	5	6	7	8	9	10	11
Sarva Sri/Smt/Kum. <u>OFFICE SUPERINTENDENT - 1 (Rs. 2000-60-2300-EB-75-3200)</u>										
1.	K. Prakasa Rao		1. 7.40	28.11.61	O.S.	C.O.	2300	1. 9.96	1. 2.95	
<u>DEPUTY OFFICE SUPERINTENDENT - I (Rs. 1600-50-2300-EB-60-2660)</u>										
1.	M.D. Prakasa Rao	S.C	27.11.41	29. 2.64	Dy. OS-I	C.O.	2150	1. 6.97	2. 3.95	
<u>DEPUTY OFFICE SUPERINTENDENT - II (Rs. 1600-50-2300-EB-60-2660)</u>										
1.	S.Rameshchandrakumar	S.T	13. 7.47	9. 8.68	Dy. OS-II	C.O.	2100	1. 6.97		

27

postal Assistant. (RS. 975-1660)

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1	2	3	4	5	6	7	8	9	10	11
34. K.V. Kameswara Rao			23. 8.57	3.12.84	P.A	CO	1240	1. 6.97	3.12.84	
35. Smt. G. Sreedevi			20. 2.61	14.12.84	"	CO	1240	1. 6.97	14.12.84	
36. Kum. Shoba Menon			3. 7.65	19. 8.85	"	CO	1210	1. 8.96	19. 8.85	
37. Smt. S. Anuradha			14. 6.61	10. 4.85	"	RO HYD	1240	1. 6.97	10. 4.85	
38. Smt. D.E. Jamal			26. 7.61	10. 5.85	"	RO HYD	1240	1. 6.97	10. 5.85	
39. S.L. Venkatasubbu			7. 5.63	10. 4.85	"	CO	1240	1. 6.97	10. 4.85	
40. Smt. M.A.Shantakumari	SC		5. 8.62	20. 4.85	"	RC HYD	1240	1. 6.97	20. 4.85	
41. Smt. K. Sandhya			13. 7.65	15. 7.85	"	CO	1240	1. 7.97	15. 7.85	
42. R.V. Nagasai			25. 6.65	29. 5.85	"	RO VM	1240	1. 6.97	29. 5.85	
43. S. Ramarao			6. 7.63	7. 6.85	"	RO VM	1240	1. 6.97	7. 6.85	
44. A. Sreenivasa Rao			5. 6.62	22. 7.85	"	CO	1240	1. 7.97	22. 7.85	Tfd. u/R-38
45. Y.V. Atchutakumar			5. 3.66	28. 1.86	"	RO VM	1400	1. 6.97	28. 1.86	Offg. as DO PLI
✓ 46. K. Ramachandram			5. 3.57	9.12.81	"	CO	1180	1. 4.97	11. 4.86	D.P Applicant No. 7
✓ 47. M. Ramdas			11. 6.58	23.11.81	"	CO	1180	1. 4.97	24. 4.86	D.P Applicant No. 8
✓ 48. M. Koncalah	SC		6. 9.48	22. 7.74	"	CO	1330	1. 6.97	31. 5.81	D.P Applicant No. 2
✓ 49. P. Eshwar			12. 7.53	15. 5.74	"	CO	1330	1. 6.97	31. 5.81	D.P — — 3
✓ 50. Mohan Lal			12. 3.44	20.11.70	"	CO	1330	1. 6.97	31. 5.81	D.P — — 5

(Contd. 14)

1	2	3	4	5	6	7	8	9	10	11	12	
✓ 51.	P. Vijayekumar		14. 1.60	5. 6.78	P.A	CO		1240	1. 8.96	26. 8.33	D.P	Applicant No. 6
✓ 52.	P. Lakshminarayana		1. 6.50	1. 8.77	"	CO		1330	1. 6.97	31. 5.81	D.P	Applt. No. 4
53.	C. Ravitej		19.11.64	15.10.86	"	CO		1150	1.10.96	15.10.86		
54.	Smt. L. Ramadevi		18. 6.55	18. 1.84	"	CO		1240	1. 1.97	18. 1.84		
55.	T. Brinivas		24. 1.64	7. 1.87	"	CO		1150	1. 1.97	7. 1.87		
56.	T.P. Sasstry	—	1. 1.55	28. 7.78	LEGPA	RO	VJ	1520	1. 7.97	18. 7.94	Tfd. u/R-38	
57.	M. Visweswara Rao	—	5.12.61	18. 2.81	P.A	RO	VJ	1360	1. 2.97	18. 2.81	Tfd. u/R-38	
58.	V. Satya Sai Babu	—	12. 6.62	14. 9.83	"	RO	VJ	1270	1. 9.96	14. 9.83	Tfd. u/R-38	
59.	R. Padmakumari		27. 6.66	15. 6.87	"	RO	HYD	1150	1. 6.97	15. 6.87		
60.	Smt. N. Kusuma	—	3. 4.59	28. 7.82	"	RO	VJ	1300	1. 7.97	28. 7.82	Tfd. u/R-38	
61.	Smt. B. Sarada Devi, M.Sc.		20.11.54	16. 8.80	"	RO	VM	1390	1. 6.97	16. 8.80	Tfd. u/R-38	
62.	M.S. Subrahmanyam, B.Com., P.G.D.P.A.	—	1. 6.58	15. 9.79	"	RO	VM	1440	1. 9.96	15. 9.79	Tfd. u/R-38	
63.	Smt. J. Balatripurasundari		4. 6.61	2. 8.88	"	RO	HYD	1100	1. 6.97	2. 8.88		
64.	S.V. Ramana Rao	—	1. 7.59	25. 2.82	"	RO	VJ	1330	1. 2.97	25. 2.82	Tfd. u/R-38	
✓ 65.	A. Dayanand	SC	24. 7.50	11. 9.69	"	CO		1270	1.10.96	19.10.82	D.P	Applt. No. 10
✓ 66.	L.B. Surya Rao		8.10.51	20. 5.74	"	CO		1240	1. 8.96	26. 8.83	D.P	— 11 — 11
✱ 67.	A. Sesharathnam	—	15. 5.50	28. 1.76	LEGPA	CO		1520	1. 6.97	26. 6.93	Tfd. u/R-38	

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1	2	3	4	5	6	7	8	9	10	11
68.	I.K.M. Goud		6. 5.58	26.11.80	P.A.	CO	1390	1. 6.97	26.11.80	Tfd. u/R-38
✓	69. Syed Aziz		1. 5.47	11. 9.69	"	CO	1330	1. 6.97	31. 5.81	D.P. Applt No. 9
	70. D. Devadanam		19. 2.67	27.10.89	"	RO KNL	1075	1.10.96	27.10.89	
	71. Md. Sharfuddinkhan		4. 6.47	1. 5.67	"	CO	1390	1. 6.97	2. 6.80	DP; Tfd. u/R-38
*	72. J. Ammaji	ST	8. 4.55	24. 9.79	LSGPA	RO HYD	1520	1. 6.97	26.6.93	Tfd. u/R-38
3	73. M. Nalini		28.11.58	28.10.81	P.A.	RO KNL	1330	1.10.96	28.10.81	Tfd. u/R-38
3	✓ 74. M. Yadaiah	SC	13.10.51	6. 9.80	"	CO	1240	1. 6.97	12. 3.85	D.P. — Applicant No. 2
3	75. K. Sarala Devi		25. 4.58	4. 3.83	"	RO KNL	1240	1. 6.97	4. 3.83	Tfd. u/R-38
	76. Smt. J. Vajramani		3. 3.50	29. 5.86	"	CO	1175	1. 6.97	29. 5.86	
*	77. D. Sanjeeva		1. 1.50	20. 5.75	LSGPA	CO	1560	1.10.96	26. 6.93	Tfd. u/R-38
	78. R. Viswanath	SC	5. 8.58	26. 3.81	P.A.	CO	1330	1. 3.97	26. 3.81	
	79. Smt. P. Jyothi		6. 4.59	26.10.83	"	CO	1270	1.10.96	26.10.83	Tfd. u/R-38
	80. P. Soundar Rajan	SC	13. 9.66	15. 7.88	"	CO	1125	1. 6.97	15. 7.88	
	81. S. Udayasree		4.12.56	20. 9.84	"	RO KNL	1210	1. 6.97	20. 9.84	Tfd. u/R-38
	82. Anil Chandra Sharma		22. 7.64	1. 3.85	"	RO HYD	1240	1. 6.97	1. 3.85	
	83. T.L. Lakshmana Rao	SC	20.12.54	23.10.82	"	RO HYD	1150	1. 2.97	4. 2.87	D.P.
*	84. V.R. Vijaya Bhaskar	ST	27. 3.57	7.12.79	LSGPA	RO KNL	1520	1. 6.97	26. 6.93	Tfd. u/R-38

(Contd. 16)

A-2 P (23)

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1	2	3	4	5	6	7	8	9	10	11
85. P. Srinivasa Reddy			14. 8.54	5.12.79	LSGPA	RO	HYD 1440	1.12.96	9.12.95	Tfd. u/R-38
86. Mohd. Azam Ali			25. 7.43	12. 2.81	P.A	RO	HYD 1150	1. 2.97	4. 2.92	D.P
87. E. Eswaraiah		SC	10. 8.53	8. 6.82	"	RO	HYD 1150	1. 2.97	4. 2.92	D.P
88. Smt. M.L.P. Priya			7.11.58	5. 5.80	"	RO	HYD 1390	1. 6.97	5. 5.80	Tfd. u/R-38
89. G.C. Saibaba			1. 7.58	16. 8.79	LSGPA	RO	KNL 1520	1.10.96	20. 8.95	Tfd. u/R-38
90. B. Sreeramachandramurthy			20. 5.67	11. 8.93	P.A	RO	HYD 1075	1. 6.97	11. 8.93)
91. N. Srinivasa Rao			1. 7.70	10. 8.93	"	RO	VJ 1025	1. 8.96	10. 8.93) Seniority
92. G. Praveenkumar			29. 8.69	11. 9.93	"	RO	VJ 1100	1. 6.97	11. 9.93) fixed as
93. K. Ramesh			1. 5.66	30. 8.93	"	RO	VJ 1025	1. 8.96	30. 8.93) per the
94. C. Padmavathi, B.A.,			8.12.65	28. 8.93	"	RO	VM 1050	1. 8.96	28. 8.93) issued by
95. P. Venkateswarlu			29. 4.50	1. 5.79	"	RO	HYD 1125	1. 6.97	23.11.88) Director
96. Kishore Babu		SC	29. 6.71	29. 4.91	"	RO	VJ 1075	1. 4.97	29. 4.91	Tfd. u/R-38
97. G. Ramulu		ST	1.12.48	6, 5.75	"	CO	1125	1. 5.97	5. 1.89	D.P
98. B. Savithri Devi			8.12.57	26.10.89	"	CO	1100	1. 6.97	26.10.89	
99. K. Manjula Rani		SC	19.12.61	17. 5.83	"	RO	VJ 1250	1. 5.97	17. 5.83	Tfd. u/R-38
100. R. Vireesh Babu			5. 9.56	22. 8.80	"	CO	1390	1. 8.96	22. 8.80	Tfd. u/R-38

(Contd. 17)

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Srinivasa
Gundel

Swamynews

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March, 1996

Point 18.—Whether Ex-servicemen re-employed in the Circle Offices as LDC/UDC are to be covered in this scheme.

Clarification.—Yes. However, for eligibility, the period of service rendered in this Department is to be taken in consideration.

ENCLOSURE

G.I., Dept. of Post, Lr. No. 4-12/88-PE-I (Pt.), dated 22.7.1993

OTBP and BCR Scheme to Group 'C' Staff of Administrative Offices (Circle Offices) in Department of Post

The question of extending the Time Bound One Promotion Scheme (TBOP) and Biennial Cadre Reviews (BCR) to the Group 'C' staff of administrative offices (Circle Offices) has been under consideration for some time past.

2. It has now been decided to extend the benefit of the Time Bound One Promotion Scheme and Second Promotion after 26 years of satisfactory service to the clerical staff of administrative offices excluding posts like Hindi Translator, Librarian, etc.

3. The following instructions are issued to ensure proper implementation of the schemes mentioned in para. two above.

3.1. The schemes will come into effect from 26-6-1993.

3.2. The posts of LDCs (Rs. 950-1,500) and UDCs (Rs. 1,200-2,040) in the Circle Offices, except to the extent of the LDCs/UDCs who opt to remain in the existing scale, will be abolished and an equal number of posts of time scale Postal Assistants (C.O.) (Rs. 975-1,660) will be created. The remaining posts will, however, be converted as Postal Assistants (C.O.) as and when the concerned LDC/UDC ceases to hold that post. All the existing LDCs/UDCs will be required to furnish within one month, their option under FR 23 according to which they may, if they so like, retain existing scale of pay which would be personal to such officials. The option once exercised will be final.

3.3. On replacement of the LDCs and UDCs by time scale Postal Assistants (C.O.), the existing duties of the LDC/UDC in the Circle Offices will be performed by the time scale Postal Assistants (C.O.). Senior officials would be required to perform the duties at present entrusted to UDCs.

3.4. The officials who do not opt for their old scales will be brought into the grade of Postal Assistants (C.O.) and their pay will be fixed under FR 22 (I) (a) (2) by treating the posts in the time scale as not involving assumption of higher duties and responsibilities.

3.5. 10% of total non-gazetted sanctioned strength (excluding isolated posts) will be surrendered as matching savings with immediate effect on a permanent basis.

3.6 The existing officials who do not opt for the old scales would be considered for grant of first promotion in the higher scale of Rs. 1,400-2,300 if they complete/have completed 16 years of service as LDC or as LDC and UDC or as Postal Assistants/Sorting Assistants and UDC taken together, and then for second promotion in the next higher scale of Rs. 1,600-2,600 after completion of 26 years of service. Their pay on grant of promotions under Time Bound One Promotion Scheme and Second Promotion will be fixed under FR 22 (1) (a) - (1).

3.7. The UDCs who are drawing pay more than the maximum of the time scale pay (Rs. 975-1,660) and who opt for Postal Assistants cadre (C.O.) to get the benefit of Time Bound One Promotion Scheme, will have their pay fixed at the maximum of the time scale of pay without any protection of the loss of pay already drawn.

3.8 With effect from the date of implementation of these orders, knowledge of typewriting will be essential for future recruits in the clerical cadre in Circle Offices in the pay scale of Rs. 975-1,660.

3.9 The minimum educational qualifications for recruitment to the Postal Assistants grade in Circle Offices shall be 10 + 2. Further recruitment, if required, will be done by Circle Offices on an interim basis instead of through Staff Selection Commission till new recruitment rules are finalized.

3.10. The Circle Office staff, as on 26-6-1993, will retain the existing liability for transfer between the Circle Office and the Regional Offices. In addition, their promotion under this scheme will be conditional, subject to their liability for transfer to any unit located at the Headquarters station of the Regional Office/Circle Office.

3.11. The special pay Rs. 70 p.m. being paid to UDCs will stand withdrawn from the date of introduction of this Scheme.

✓ 3.12. Under this scheme, only such officials as have completed 16 and 26 years' service in the Postal Assistants/UDC/LDC Grade will be eligible for promotion to the next higher grades of Rs. 1,400-2,300 and Rs. 1,600-2,600 respectively, if they are otherwise eligible. In cases where a senior has not completed the prescribed period of service, whereas his/her junior has become eligible, then only the junior shall be considered for promotion. However, when the senior completes the prescribed service and is adjudged suitable for promotion, then his/her original seniority will be restored vis-a-vis his/her juniors in the lower grade. In such cases promotion under this scheme will be subject to the condition that the senior employee shall

not be able to claim benefit of higher pay fixation merely on the ground that officials who were junior to him in the lower grade are now drawing higher pay by virtue of early promotion.

3.13. In respect of cadres which are covered under the scheme of Time Bound One Promotion, the orders issued vide Directorate No. 39-19/74-PE-I, dated 15-6-1974 and Ministry of Finance O.M. No. 7 (21)-E. III (A)/74, dated 10-1-1977 stands withdrawn with effect from 25-6-1993.

✓ 3.14. The existing LDCs/UDCs/LSG quota officials who do not opt for this scheme will not be eligible for future consideration against the existing promotional channels. All recruitment to LDC, UDC and LSG promotion quota will also be abolished on introduction of this scheme.

3.15. The officials who complete 16 or 26 years of service and who are promoted to the next higher scale of pay will continue to perform operative duties until and unless they are posted to regular supervisory posts.

3.16. For promotions under the Time Bound One Promotion Scheme, and 2nd Promotion Scheme, the orders relating to the reservation for SC/ST communities already issued by this office on this subject, may be followed.

4. The existing instructions applicable to the different cadres to assess their fitness for promotion to the next higher scale of pay will be observed and the formalities in this regard should be completed within a period of three months. The promotions to the next higher scale of pay will be granted from the date of which the eligible officials complete 16 and 26 years of regular service respectively.

5. This issues with the concurrence of Ministry of Finance (Department of Expenditure) vide U.O. No. 2(24)/E.III/92, dated 11-5-1993 and Dy. No. F. 2265/JS (Per)/93, dated 25-6-1993 and in consultation with Finance Advice (Postal) Dy. No. 1979-FA/93, dated 16-7-1993.

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G.I., Dept. of Telecom. Lr. No. 22-6/74-TE-II, dated 13-12-1995

Promotion of TOA, Grade III officials to Grade IV (Rs. 2,000-3,200) against 10% posts in BCR Scheme will be on the basis of seniority in the basic grade

Your kind reference is invited to the instructions contained in this Office Letters No. 27-4/87-TE-II, dated 7-1-1994 (Sl. No. 171 of Swamy's Annual, 1994) and 27-91/94-TE-II, dated 30-8-1994, which stipulate promotions to Grade IV in the scale of Rs. 2,000-3,200

Annexure - A 4 P. (26)

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DEPARTMENT OF POSTS : INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL A.P. CIRCLE HYDERABAD.

ST/47-5/CORBOP/93

Dated at Hyderabad, the 7.1.93

Consequent on extension of TBOP (TIME BOUND ONE PROMOTION)/Biennial Cadre Review (BECED PROMOTION) to Group 'C' staff of Administrative offices (C.O/R.Os) in the Department of Posts as circulated in Circle office letter No. EST/2-3/TBOP/CO/93 dated 28.7.93 none of the Group 'C' staff working in Circle/Regional Offices have opted to retain the existing scale of pay/post (i.e., LSG / UDC / LDC). Accordingly, the Group 'C' staff working in Circle/Regional offices will be treated as Postal Assistants (Circle Office) with effect from 26.06.93.

Necessary entries may please be made in the service books of the officials concerned.

(K. SANDHYA RANI)
Asst. Postmaster General (S&V),
For Chief Postmaster General A.P. Circle,
Hyderabad-500 001.

A copy of this memo is issued to :-

1. The Postmaster General HYDERABAD/VIJAYAWADA/KURNOOL/VISAPUR/KHAPATNAM
2. The A.D (Accounts) & CMAO, Hyderabad for information and necessary action.
3. All the Officials concerned working in CO/ROs.
4. P.F of the Officials.

Sandhya
Counsel

Annexure-A5 P. 27

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL A.P. CIRCLE HYDERABAD.

Memo No. ST/47-5/CO-ROs/TBOP/93 Dated at Hyd. the 31.01.93

In pursuance to the orders contained in Director General (Post), New Delhi-110 001 letter No.4-12/88-PE-I(PB) dated 22.07.93, the undermentioned Group 'C' staff working in Circle/Regional offices who have completed 16 years of satisfactory service as LDC and UDC or as PA/SA and UDC taken together are considered as fit for first promotion to the higher post in the scale of pay of Rs. 1400 - 2300 under TIME BOUND ONE PROMOTION scheme. The promotion of the officials will take effect from 26.06.93.

Sr No.	Name	Office in which working	Date of Initial appointment as PA/SA/UDO/LDC.
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1	2	3	4
S/Sr1.			
1.	J. Victor Paul	% CPMG, Hyderabad	25.10.67
2.	G. Sadanand, (SC)	" "	21.11.68
3.	A. Balaiiah,	" "	01.10.65
4.	T. Subbarayudu,	" "	18.06.68
5.	T. Ramulu,	" "	16.12.64
6.	N. Kanneswararao,	% PMG, Vijayawada	03.02.64
7.	M. Venkatrao,	% CPMG, Hyderabad	16.06.68
8.	S. Venkateswararao(SC)	" "	03.06.70
9.	A. Subrahmanyam,	" "	17.09.64
10.	V. Krishna,	" "	07.06.68
11.	Smt. Naheed Nikhat	" "	16.06.68
12.	M. A. Aziz,	" "	04.04.67
13.	Smt. R. Nirna Nalini,	" "	01.06.67
14.	Smt. M. Varalakshmi,	% PMG, Hyderabad(NR)	01.12.64
15.	R. G. P. Kumar,	% CPMG, Hyderabad	07.07.72
16.	C. Sunkireddy,	" "	08.08.65
17.	G. Krishnahari,	" "	09.03.71
18.	VSR. Chandramurthy,	PMG, Vijayawada	20.11.71
19.	D. Pandurangarao,	CPMG, Hyderabad	21.10.73
20.	E. S. Azaraiah,	" "	17.01.70
21.	G. Vijayakumar -II (SC)	" "	13.09.73
22.	J. Sudanand (SC)	" "	13.09.73
23.	M. A. Nooruddin	" "	14.02.74

contd.. on page 2.

Page 2.

1	2	3	4
S/Sri.			
24.	Md. Jameel Ahmed Khan,	CPMG, Hyderabad	17.02.74
25.	B. Chandrasekhar Rao,	PMG, Hyderabad (NR)	17.05.76
✓ 26.	P. K. V. Sastry,	CPMG, Hyderabad	25.05.77
27.	Mohd. Abdul Jaleel,	" "	18.03.75
28.	T. V. Bhaskar Rao,	" "	08.01.74
29.	B. Eeeraa Murthy,	PMG, Hyderabad (NR)	22.07.73
30.	Mahmoodul Hassan,	CPMG, Hyderabad	18.06.70
31.	K. G. Prasad,	" "	09.01.74
32.	T. Ramesh,	" "	22.10.75
✓ 33.	Ch. Poulus,	" "	21.09.76
✓ 34.	S. Gurumurthy, (SC)	" "	13.09.74
35.	P. Narsing Rao, (SC)	" "	14.02.74
36.	P. Narayana	PMG, Hyderabad (NR)	20.01.73
37.	A. Vittal Rao, (SC)	CPMG, Hyderabad	13.09.74
38.	R. Venkatarajana (SC)	PMG, Visakhapatnam	02.12.75
39.	G. Seshiah,	CPMG, Hyderabad	23.10.71
40.	Mohd. Nurullah	" "	26.09.70
41.	A. Ramasami Rao	" "	08.10.75
42.	A. Narayana Rao,	PMG, Vijayawada	02.04.73
43.	K. Sudershan Reddy,	CPMG, Hyderabad	13.12.73
44.	M. Lakshminarayana,	" "	16.12.75
45.	Y. Viswanadharao,	PMG, Kurnool	20.10.72
✓ 46.	G. Raghakrishna,	CPMG, Hyderabad	08.06.76
47.	G. V. Satyanarayana (SC)	" "	19.10.76
✓ 48.	I. Kondal Rao,	" "	23.01.76
✓ 49.	B. Srinivasulu,	" "	08.06.76
50.	Sat-V. Vijayalakshmi,	" "	08.11.68
51.	G. Lakshmaiah, (SC)	" "	07.09.74
52.	K. Vijayakumar,	" "	28.10.71
53.	P. Sathiah,	" "	19.03.75
54.	N. Srihari,	PMG, Hyderabad (NR)	21.01.77
55.	Sat. S. P. Adisundari	" " Vijayawada	25.04.77
56.	Ramaiah Chari,	" "	31.03.73
✓ 57.	Sat. S. Ramalatha Devi,	" " Hyderabad (NR)	31.03.67
58.	Sat. Bratata Ganguly,	CPMG Hyderabad	14.09.73
59.	O. Satyanarayana,	" "	08.01.74
60.	Shaik Osman,	PMG, Hyderabad (NR)	01.03.75
61.	B. Asseervada,	" "	14.02.74
✓ 62.	M. Raghuram Rao,	" "	01.06.76

contd... on page 3.

Page 3.

1	2	3	4
S/Sri.			
63.	Vaka Narsi,	PMG, Visakhapatnam	02.12.75
64.	Sat.M. Parvathi Devi,	" Vijayawada	09.03.77
65.	K. Krishnaswamy,	" Kurnool	18.01.77
66.	P. Yellaramudu, (SC)	" "	19.05.76
67.	K. Hanumanthreddy,	CPMG, Hyderabad	10.07.73
68.	P. Krupananda,	CPMG, Hyderabad	28.09.68
69.	H. Rajagopalachari,	" "	25.06.72
70.	V. Venkatramudu,	PMG, Kurnool	19.06.72
71.	S. N. Rasool,	CPMG, Hyderabad	23.11.67
72.	K. A. V. Sukhachandra,	" "	20.05.76
73.	P. Venkatswamy, (SC)	" "	23.11.73
74.	Sat. Jayalakshmi Parthasarathy	" "	13.05.77
75.	Jaxman Papanna,	PMG, Hyderabad (NR)	05.05.77
76.	B. Bhikshapathi,	CPMG, Hyderabad	20.12.73
77.	M. H. V. Ramaiah, (MBV)	" "	13.09.74
78.	Mohd. Fazlur Rahman,	" "	16.12.73
79.	J. Narasimha (ST)	" "	29.07.75
80.	Mohd. Taher Ali	PMG, Hyderabad (NR)	03.07.72
81.	J. V. N. S. V. Sagar,	PMG, Vijayawada	03.02.76
82.	Sat. B. Sita Devi,	" Visakhapatnam	01.04.76
83.	S. M. H. Nehri,	CPMG, Hyderabad	18.01.77
84.	M. A. Hafeez	PMG, Hyderabad (NR)	01.08.75
85.	Sat. A. Sesharatnam,	CPMG, Hyderabad	28.01.76
86.	D. Sanjeeva,	" "	20.05.75
87.	V. R. Vijayabhaskar, (ST)	PMG, Kurnool	07.12.79

THE FOLLOWING OFFICIALS WERE NOT RECOMMENDED FOR PROMOTION

1.	S/Sri. M. Pitchaiah, (SC)	PMG, Vijayawada	02.05.68
2.	M. Mohanrao, (SC)	" "	06.05.76
3.	S. Vapna, (ST)	" "	19.11.71
4.	P. Krishna	CPMG, Hyderabad	15.02.74

D. Ramakrishna
Asst. Postmaster General (S&V),
For Chief Postmaster general A.P Circle,
Hyderabad - 500 001.

continues on page 4.

Sanjay
Counsell

Annexure - A6 P

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GOVERNMENT OF INDIA : DEPARTMENT OF POSTS
Office of the Chief Postmaster General, A.P. Circle, Hyd-1.

Memo No. ST/47-5/CO-ROs/TBOP dt at Hyd-1, the 5-12-1994.

In pursuance to the orders contained in Directorate letter No. 4-12/88-PE-I/PL dated 22-7-93 and Ir. No. 4-35/94-SPB.II dated 22-8-94, the under mentioned Group-C staff working in Circle Office/ Regional offices who have completed 16 years of satisfactory qualifying service as LDC/UDC/SA/PA taken together are considered eligible for First promotion to the Higher post in the scale of pay of Rs. 1400-2300 under Time Bound promotion scheme. The promotion of the officials is with effect from the dates noted against each.

Sl. No.	Name of the official	Office in which working	Date of promotion w.e.f.
1.	S/Sri/Smt J. Kishan (SC)	%CPMG, Hyderabad	8-3-94
2.	P. Myswanay	%PMG, Kurnool	16-6-94
3.	A. Kameswara Rao	%CPMG, Hyderabad	19-6-94
4.	B. B. S. Tilak	%CPMG, Hyderabad	15-8-93
5.	P. Vinayakumari	%PMG, Hyderabad	12-6-94
6.	C. K. D. Varaprasad	%PMG, Vijayawada	27-6-94
7.	A. Sivasambi Reddy	%CPMG, Hyderabad	28-6-94
8.	B. Iqbal	%PMG, Hyderabad	28-6-94
9.	Md. Jaffar Ali	%CPMG, Hyderabad	2-7-93
10.	Mt. Viola Samuel	%CPMG, Hyderabad	4-6-94
11.	V. Krishna Prasad	%CPMG, Hyderabad	7-9-94
12.	N. C. Varada Chari	%CPMG, Hyderabad	6-7-94
13.	T. P. Sastri	%PMG, Vijayawada	18-7-94
14.	B. Nageswara Rao (SC)	%CPMG, Hyderabad	7-9-94
15.	M. Ravi Raj (SC)	%CPMG, Hyderabad	7-9-94
16.	Smt. Annaji (ST)	%PMG, Hyderabad	7-9-94

** Under relaxation of service conditions.

II. This is in supersession of this office memo of even No. dated 1-11-1994.

III. The difference of pay and allowances consequent on change of date of promotion of the officials above at Sl. 8, 14, 15 and 16, if any, may be recovered and necessary entries may please made in the Service Books of the officials to this effect.

(P. PARASURAM)

Asst. Postmaster General (S&V),
%CPMG, A. P. Circle, Hyderabad-1.

Contd.

Samyathy
Counsel

Annexure - A-7

p. 31

In pursuance to the orders contained in Director's Lr. No. 4-12/88- PB-1/ PL dated 22.7.93 the undermentioned Group 'C' staff working in Circle office/ Regional office who have completed 16 years of satisfactory qualifying service as LDC/UDC/ SA/ PA taken together are considered as fit for First Promotion to the Higher Post in the scale of pay of Rs 1400-2300 under Time Bound One Promotion scheme. The Promotion of the officials is with effect from the date noted against each.

Sl No	Name of the Official	Office in which working	date of promotion
s/Sri/Smt			
1.	M. Ptichaiiah (SC)	% PMG Vijayawada	1.5.95
2.	M. Monan Rao (SC)	% PMG Vijayawada	1.4.95
3.	P. Krishna	% CPMG Hyderabad	1.4.95
4.	K. Sunder Rao	% PMG Vishakapatnam	22.5.95
5.	Haripriya Devi	% CPMG Hyderabad	5.3.96
6.	V.V. Ramanamma	% CPMG Hyderabad	10.1.96
7.	S. R. Sivaramakrishna	% CPMG Hyderabad	10.10.95
8.	M. Meena Kumari	% CPMG Hyderabad	6.10.95
9.	C. Kamala Durga	% PMG Vishakapatnam	5.3.96
10.	M.L. Narayana	% PMG Hyderabad	30.1.96
11.	S. Prasada Rao (SC)	% PMG Vijayawada	8.1.96
12.	G. Gopal	% PMG Kurnool	25.5.95
13.	P. Visweswara Sastry	% CPMG Hyderabad	8.6.95
14.	R.B.M. Singh	% CPMG Hyderabad	12.7.95
15.	L. Venugopal	% CPMG Hyderabad (DO PLI TPT)	27.5.95
16.	Ch. Subbalaxmi	% CPMG Hyderabad	22.5.95
17.	N. Yadagiri	% CPMG Hyderabad	26.5.95
18.	V. Subramanyeswara Rao	% PMG Vishakapatnam	21.5.95
19.	Syed Omar Hoshmi	% CPMG Hyderabad	8.8.95
20.	P. Srinivasa Reddy	% PMG Hyderabad	9.12.95
21.	M.S. Subrahmanyam	% PMG Vishakapatnam	15.9.95
22.	G.C. Saibaba	% PMG Kurnool	20.8.95

The officials may be promoted only on the due dates and no orders promoting the officials under TROP scheme should be issued earlier than the due date of promotion. The Disc/ Vigilance clearance may be taken before promoting the officials.

H. SEBHAGIRI RAO
ASST POSTMASTER GENERAL (S&V)
S. TEL C.P.M.G. A.P. CIRCLE
HYDERABAD

Srinivasa
Counsellor.

GOVERNMENT OF INDIA: POST
OFFICE OF THE CHIEF POSTMASTER GENERAL ANDHRA CIRCLE HYDERABAD
ST/5- BCR/Rlgs /Corr at Hyderabad 4 -1-96

To
The Postmasters General
Vijayawada/ Kurnool/ Vishakhapatnam/ Hyderabad
All the SSPOs / SSRMs/ SRMs/ SPs
The Manager MMS Hyderabad
The SP PSD Hyderabad/ Guntakal/Vijayawada/ Rajahmundry
SP CSD Secunderabad

Sub: Modification of BCR reg.,

A copy of the DO letter 22-5/95 PE-I dated 26.12.95 from Mrs. K. Varma DDG Trg. & Es++ Postal Directorate New Delhi addressed to Chief Postmaster General communicated under Circle office letter Es++/2-3/TBOP/ CO/93 dated 2.1.96 is furnished below for information and necessary action.

(H. SESHAGIRI-RAO)
ASST POSTMASTER GENERAL (S&V)
TH: C.P.M.G. HYDERABAD.

Copy to:

1. All Section Officers
2. All Dealing Assts in Staff Section
3. Concerned dealing files.
4. ASP Legal Cell Circle office
5. Es++. Section Circle Office.

for Chief Postmaster General
Andhra circle Hyderabad

6-----
Do. Lr. No 22-5/95-PE-I dated 26.12.95 from Mrs. K. Varma DDG(+rg&Es++) addressed to the CPMG AP Circle Hyderabad

This is regarding modification of Biennial cadre Reviews in respect of 1/3 LSG quota officials and UDCs working in Circle offices and SECOS who were seniors before the implementation of the scheme, but became juniors after implementation of the scheme.

The issue was examined in consultation with the Ministry of Finance. It has been agreed by them in principle to modify the scheme accordingly. The necessary instructions in this regard will be issued in due course. The affected incumbents may be informed accordingly.

Sd/-
(K. VARMA)
DDG (TRG& LSTT)

Smunthy
Counsel

Government of India
Ministry of Communications
Department of Posts

No. 22 6/95-PE-I

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

Dated: 8/2/96

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 (Pt.) 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/-

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.D. No. 6(37) E.III/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 (F&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.

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

Sanjiv
counsel.

DEPARTMENT OF POSTS : INDIA

OFFICE OF THE CHIEF POSTMASTER GENERAL, A.P. CIRCLE, HYDERABAD.1.
No. EST/2-3/TBOP/CO' Dated at Hyd.1. the 16-4-96.

to

The Postmasters General,

HYDERABAD/KURNOOL/VIJAYAWADA/VISAKHAPATNAM REGION

Sub: Modification of TBOP/BCR Scheme
Clarification - Reg.

A copy of the Directorate letter no.22-5/95-P.E.I dated 26.3.96 on the above subject is enclosed herewith for information, guidance and necessary action.

(G. BUDDAPPAN)
Asst. Postmaster General (SB)
to the Chief Postmaster General,
A.P. Circle, Hyderabad. 500 001.

Copy to: All the Section officers Circle office Hyd-1.
All the Section Supervisors Circle office Hyd-1.

Union cell, C.O. Hyd-1

Copy of the Dte's letter referred as above.

Sub: As above.

Sir,

This office has been receiving references from various Circles regarding applicability of modification of the scheme (dated 3/2/94) to the officials whose seniority was adversely affected by implementation of Time Bound One Promotion Scheme (TBOP Scheme). The orders are very clear and need no clarifications. However, it is hereby clarified that these orders are also applicable to such officials whose seniority was adversely affected by implementation of Time Bound One Promotion Scheme (1st promotion scheme).

2. All the Circles are therefore, advised to go through the instructions carefully before seeking any clarification(s) etc. in this regard. Any reference sent to the Directorate seeking clarification(s) etc. in this regard should be routed through their respective Chief Postmaster General/ Postmaster General and Circle IPA, where needed, and their views should also be incorporated in the communication(s).

Further implementation of the scheme, is the subject matter of staff branch of the Directorate. Therefore, issues pertaining to seniority, dispute of promotion under Rule 38 P&T Vol.IV and other related issues, etc. should be taken up direct with staff Branch.

Kindly acknowledge the receipt of the letter.

Yours faithfully,

SD/-

(Alok Saxena)

Asstt. Dir. Genl. (Estt.).

S. Murthy
Counsel

BBE

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G.I., Dept. of Post, Lt. No. 44-6096-SPB-II, dated 24-9-1996

Further clarifications to applicability of OTBP/BCR Scheme in Department of Post

This office has received number of references after certain clarifications were issued by the Directorate vide Letters No. 22-5/95-PE-1, dated 8-2-1996 and 26-3-1996 (Sl. Nos. 100 and 134 of Swamysnews of April and May, 1996 respectively), regarding applicability of these orders to Time Bound One Promotion Scheme. In this regard, it is once again clarified that both the orders mentioned above are also applicable to such officials whose seniority was adversely affected by implementation of Time Bound One Promotion Scheme as already clarified in Para. 1 of the letter, dated 26-3-1996. Other related issues raised by circles are also being clarified as follows:—

Point 1.—Whether LSG/TBOP Accountants are to be compared with LSG/TBOP General line officials or with that of LSG/TBOP Accountants for the purpose of deciding their immediate junior while implementing their promotion under BCR.

Clarification.—Under TBOP/BCR Scheme, there is no distinction between General Line and Accounts Line except for the limited purpose of functional necessity. Hence, promotion to TBOP/BCR Scheme shall be implemented with reference to juniors in the now common Postal Assistant/LSG gradation list.

Point 2.—Whether UDCs who have completed 16 years of clerical services and promoted under TBOP can be considered for BCR promotion if their seniority is by-passed by another UDC who has completed 26 years of service but is junior in UDC gradation list.

Clarification.—Yes.

Point 3.—Whether UDCs of Circles Office can straightway be promoted to BCR because a UDC of C.O. gradation list who is junior has been promoted to BCR on account of length of service, i.e., completion of 26 years, i.e., whether a Time-Scale Postal Assistant will jump to BCR scale without being promoted to TBOP Scheme.

Clarification.—Yes. The pay fixation in such cases should be done directly from Postal Assistant cadre to BCR, HSG-II cadre.

Point 4.—Whether an official who came as LDC under Rule 38 of P. & T Manual, Volume IV, FR 15 from SBDO, Inter-circle or Divisions to Circle Office and was subsequently promoted to UDC on seniority-cum-fitness can be promoted to BCR on completion of 26

P-36

years of service. In such cases will all UDCs above his name in the UDC cadre of the circle gradation list become eligible for promotion to BCR irrespective of number of years of service they have put in?

Clarification.—In this regard position as mentioned in para. 2 of Orders No. 22-5/95-PE-1, dated 8-2-1996, is very clear and is also applicable for transfer under FR 15.

Point 5.—Whether higher scales of pay from the date of promotion of their juniors to TBOP/BCR are applicable to the defunct scale accountants who have not opted for the scheme.

Clarification.—These orders are not applicable to the persons who have not opted for TBOP/BCR Schemes.

Point 6.—Whether higher scale of pay from the date of promotion to their juniors are applicable to UDCs of SBDO or C.O. who did not opt for the scheme.

Clarification.—Same as Sl. No. 5 above.

Point 7.—If an official accommodated under Rule 38 is promoted to TBOP/BCR by virtue of rendering 16/26 years of service, whether his juniors in the gradation list of division/circle will be granted TBOP/BCR or higher scale of pay from the date of promotion of official accommodated under Rule 38.

Clarification.—As in case of Sl. No. 4 above.

Point 8.—Whether the instruction No. 22-5/95-PE-1, dated 8-2-1996, is a one time measure or a continuous process.

Clarification.—It is a continuous process.

Point 9.—Whether the seniority of the seniors in the lower grade will be kept intact even though they are not eligible for promotion from the date of promotion of their junior when junior is a Rule 38 transferee and gets his promotion on the basis of length of service.

Clarification.—Seniority of officials in the lower grade will be kept intact with reference to their immediate juniors, even though they are not eligible for promotion in terms of number of years of service except in the case of those officials with greater length of service, who are brought on transfers under Rule 38 and are consequently ranked juniors to other officials in the new Unit. In this connection para. 2 of Order No. 22-5/95-PE-1, dated 8-2-1996, refers.

Point 10.—Whether PAs, erstwhile LDCs in Circle Offices, who became senior by virtue of passing type test earlier than those who could not pass will also be eligible for promotion under TBOP/BCR as and when his junior P.A. gets promotion on completion of 16/26 years of service.

November, 1996

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Swamysnews

Clarification.—Yes. The orders, dated 8-2-1996, are to be implemented strictly in accordance with seniority in PA cadre. If the seniority while in PA cadre has changed on account of not passing the typing test, that changed seniority would prevail.

Point 11.—It is presumed that present Orders No. 22-5/95-PE-I, dated 8-2-1996, will be applicable to LSG Accountants promoted to LSG against 1st and 2nd quota prior to 30-11-1983. Time-Scale Accountants promoted to LSG under TBOP after 30-11-1983, whose seniority is fixed with effect from the date of TBOP, length of service, etc., are not covered under these orders.

Clarification.—Orders No. 22-5/95-PE-I, dated 8-2-1996 and 26-3-1996, are applicable in case of all officials whose seniority are adversely affected by implementation of the TBOP/BCR Schemes, whereby juniors are placed in the next higher scale of pay. Such officials will now be considered for the next higher scale of pay from the date their immediate juniors became eligible for the next higher scale irrespective of the method of promotion to LSG.

Point 12.—It is presumed that officials who declined promotion and as a result thereof they were debarred for one year and promoted later when they became eligible are not covered by the orders, dated 8-2-1996.

Clarification.—Yes.

Point 13.—As a result of orders, dated 8-2-1996, 1st and 2nd LSG who have not completed 26 years of service are to be promoted to BCR from the date of their juniors. It is presumed that such officials even though promoted to BCR with retrospective effect will be deemed to have completed 3 years of service which is the eligibility condition for promotion to HSG-I.

Clarification.—The orders, dated 8-2-1996, clearly indicate that the officials whose seniority was adversely affected by implementing TBOP/BCR Schemes, 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 next higher scale of pay. It has also mentioned that *inter se* seniority of the officials in lower grade will be kept intact for the purpose of eligibility for promotion to the next higher scale. As such the presumption made is confirmed.

Point 14.—Postal Accountants have represented that they being juniors as per date of entry in the department are senior to other Postal Accountants who are senior as per length of service as they have passed PO and RMS Accountants examination and worked as PO and RMS Accountant earlier. So their seniority should be with reference to the date of passing PO and RMS Accountants examination.

Swamysnews

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November, 1996

Clarification.—As in case of item at Sl. No. 1, because the seniority of such officials in PA cadre is not changed by virtue of their passing the PO and RMS Accountants examinations, earlier than their seniors.

Point 15.—Whether the officials whose seniority was adversely affected by promotion of their juniors to TBOP Scheme are to be granted higher scale of pay under TBOP from the date their juniors were granted TBOP scale.

Clarification.—Yes. This has already been clarified vide orders, dated 26-3-1996.

In addition to the foregoing, it is hereby clarified that all other terms and conditions such as the holding of DPC, vigilance clearance will continue to be operative for giving any benefit under the orders, dated 8-2-1996 and 26-3-1996.

2601 Swamythy Counsel

G.I., M.A. of Law, Justice & C.A., Ordinance, dated 27-1-1996

The Constitution (Scheduled Tribes) Order (Amendment) Third Ordinance, 1996 (No. 30 of 1996)

Promulgated by the President in the Forty-Seventh Year of the Republic of India.

An Ordinance to provide for the inclusion of Kochi in the list of Scheduled Tribes specified in relation to the State of Assam.

Whereas the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1996, to provide for the aforesaid matter was promulgated by the President on the 27th day of January, 1996:

And whereas the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1996, was introduced in the House of the People to replace the said Ordinance, but had not been passed and has lapsed due to the dissolution of the House of the People.

And whereas for giving continued effect to the provision of the said Ordinance, the Constitution (Scheduled Tribes) Order (Amendment) Second Ordinance, 1996, was promulgated by the President on the 27th day of March, 1996:

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the Constitution (Scheduled Tribes) Order (Amendment) Second Ordinance, 1996:

Chap. I] APPOINTMENTS AND PROMOTIONS - GENERAL RULES [27-29

27. For officiating appointments, once the lists of approved officers are prepared by Departmental Promotion Committees and finally approved by Government or the appointing authority, no departure from the order in the list should ordinarily be made, provided that when administrative exigencies require it, a person not in the list or not first in order in the list, may be appointed for a period not exceeding three months.

CONFIRMATION OF OFFICERS OR OFFICIALS HOLDING SUBSTANTIAL APPOINTMENTS APPOINTED TO HIGHER POSTS

27-A. Where a period of training is fixed, it must ordinarily be spent on active service, i.e., in calculating the time spent on training for the purpose of confirmation, leave other than casual leave must be excluded.

[Note.—The Director General has discretionary powers to make any exception to the rule.

PROMOTION TO SELECTION GRADES

✓ 27-B. Promotion to the lower or higher selection grade of the clerical cadre should be made normally in order of seniority, but the appointing authority may in his discretion, pass over any senior official whom he does not consider fit for such promotion. In a case where the first three senior men are all fit for promotion, but the first man is good, the second better and the third the best, the first man and *not* the third or the second man should be promoted.

28. Deleted.

NOTIFICATION IN THE GAZETTE OF INDIA

29. Every important event in the official career of a gazetted Government servant affecting his pay and other condi-

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wise for any particular class or classes of officials. Transfers should not, however, be ordered except when advisable in the interests of the public service. Postmen, village postmen and Class IV servants should not, except for very special reasons, be transferred from one district to another. All transfers must be subject to the conditions laid down in *Fundamental Rules* 15 and 22.

37-A. Transfers should generally be made in April of each year so that the education of school going children of the staff is not dislocated. In emergent cases or cases of promotion this restrictions will naturally not operate.

✓ 38. Transfer at one's own request.

(1) Transfers of officials when desired for their own convenience should not be discouraged if they can be made without injury to the rights of others. However, as a general rule, an official should not be transferred from one unit to another, either within the same Circle, or to another Circle unless he is permanent. As it is not possible to accommodate an official borne on one gradation list into another gradation list without injury to the other members in that gradation list such transfers should not ordinarily be allowed except by way of mutual exchange. Transfers by way of mutual exchange, if in themselves inherently unobjectionable, should be allowed, but in order to safeguard the rights of men borne in the gradation lists of both the offices, the official brought in should take the place, in the new gradation list; that would have been assigned to him had he been originally recruited in that unit or the place vacated by the official with whom he exchanges appointment, whichever is the lower.

Samudra
Cairdel

No. 17.—Transfer of officials, who are not permanent in the grade, may, in deserving cases, be permitted with the personal approval of the Head of Circle/Administrative Office

(2) When an official is transferred at his own request but without arranging for mutual exchange, he will rank junior in the gradation list of the new unit to all officials of that unit on the date on which the transfer order issued, including also all persons who have been approved for appointment to that grade as on that date.

(3) If the old and the new unit form parts of a wider unit for the purpose of promotion to a higher cadre, the transferee (whether by mutual exchange or otherwise) will retain his original seniority in the gradation list of the wider unit.

Example (i):—A post office clerk transferred from Mehsana Division to Kaira Division in the same Circle will not lose his seniority in the Circle gradation list for promotion to the lower selection grade.

Example (ii):—A telephone operator transferred as an Engineering clerk, even under the same D.E.T. will have his seniority regulated both in the Divisional and the Circle Gradation List of Engineering clerks in accordance with sub-rule (2) as the Circle Gradation Lists of Telephone Operators and Engineering clerks is not common.

Example (iii):—An R.M.S. Sorter transferred from the A. Division to the P. Division will have his seniority in the grada-

Samudra
Counsel

tion list of P. Division as well as of Bilan Circle fixed in accordance with sub-rule (2).

Example (iv): A post office clerk transferred from Poona Division to the Bombay G.P.O. will have his seniority fixed in gradation list of Bombay G.P.O. as also of Bombay City Units in accordance with sub-rule (2) as the Bombay City Units and the mofussil units have separate gradation lists for promotion to Lower Selection Grade.

Example (v):—A clerk transferred from one zone to another in the Stores Organisation will have his seniority fixed in the gradation list of the new zone in accordance with sub-rule (2).

(4) A permanent official transferred from one unit to another will retain his lien in the old unit until he can be accommodated in the new unit according to his position in the new unit. He will not however have any claim to go back to his old unit even though he holds his lien there. A declaration to the effect that he accepts the seniority on transfer in accordance with this rule, and that, he will not have any claim to go back to the old unit, should be obtained before an official is transferred under this rule. Any special privilege to which an official may be entitled by virtue of his position in the gradation list of the unit from which he is transferred will, ordinarily, be forfeited on his transfer to a new gradation list.

8-2 DGP&T/ND/75

*Sanjay
Counsel*

A-12 P. 42

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(5) The transfer of an official from one arm of service to another within or outside the Circle can be allowed only with the *personal approval of the Head of the Circle or Heads of Circles concerned* and subject to the following conditions:--

- (a) the mode of recruitment to the post to which the official seeks transfer is the same for the post he is holding; and
- (b) whenever additional qualifications are prescribed for appointment to a certain post e.g. minimum height, freedom from colour blindness, etc., for the post of Telephone Operators, the applicant should satisfy those conditions in all respects; whenever any training is required or prescribed for the post, the applicant must undergo that training satisfactorily and the period of such training must be covered by the official by taking leave due and permissible for the period.

39. A Government medical officer is prohibited, under the rules of his Department from recommending that an official be transferred from, or that he be excused from proceeding to a particular station on the score of health; nor he is at liberty to offer an opinion as to the nature of the duties or the place of employment of an official unless requested to do so by the official's superior.

40. Every gazetted officer transferred from one station to another must report his movements to the officer under whose immediate orders he may be proceeding to serve. These reports

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Chap. VIII] NON-GAZETTED OFFICERS—P.O. & R.M.S. [270-272-A

of filling a higher appointment. In the case of time scales where only one efficiency bar has been prescribed, before an official is allowed to cross it, it should be considered whether he has worked well and is considered fit for holding more responsible appointment in the same cadre (including independent charge of time scale post offices).

Note.—The provisions of this rule shall also apply to the Upper Division, Lower Division and other Time Scale clerks in the Circle and other Administrative Offices of the Department including stores and workshops Account Offices.

271. The cases of all men held up at any of the bars should be annually reviewed so that if and when they improve in work and conduct and remedy the defects for which they were held up they would be allowed to cross it.

272. Deleted.

LOWER SELECTION GRADE

✓ 272-A. (i) Promotion, whether acting or permanent, to the lower selection grade in the General line in Circle office, Telegraph Traffic, Telegraph Engineering (including Stores and Workshops but excluding Telephone Monitors) and Wireless is made normally in order of seniority but the appointing authority may, in his discretion, pass over any senior official whom he does not consider fit for such promotion.

(ii) In Post Offices, Returned Letter Offices, Railway Mail Service, Foreign Post and the Telephone Monitors' cadre in Telephone Exchanges, promotions to 2/3rds of the Lower Selection Grade posts in the General Line are to be regulated on the same principle but the remaining 1/3rd posts are to be filled

Samurthy
Council

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1022/95Date of Order : 13.12.95

BETWEEN:

1. I.Kondala Rao
2. D.Panduranga Rao
3. G.Ramakrishna
4. P.K.V.Sastry
5. B.Srinivasulu
6. Ch.Poulus
7. M.Raghuram Rao
8. S.Gurumurthy
9. G.Krishna Hari

.. Applicants.

A N D

1. The Union of India, rep. by the
Secretary and Director General,
Department of Posts, Dak Bhavan,
New Delhi - 110 001.
2. The Chief Postmaster General,
Andhra Pradesh Circle, Hyderabad - 1.

.. Respondents.

Counsel for the Applicants

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

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

0.000102

Date: 13.12.1975.

J U D G M E N T

1 as per list to the Maharajah, Member (Administrative) I

Shri P. V. V. Murthy, learned counsel for the applicants and Shri N. V. Raghava Reddy, learned Standing Counsel for the respondents.

2. There are 9 applicants in this O.A. They were initially recruited as Postal Assistants/Sorting Assistants/LDCs in various divisions of Department of Posts on the dates mentioned in col.3 of Annexure-1 filed with this O.A. All of them were promoted as UDCs in the years 1980, 1981, 1982 & 1983 on the dates mentioned against them in col.4 of the annexure. On the basis of the competitive examination held for 80% of the posts which are to be promoted through a competitive examination as per recruitment rules, 1970. ~~xxxxxxxxxxxxxxxxxxxxxx~~ ~~XXXXXXXXXXXXXX~~ Because of their selection against 80% quota, they had become seniors in the cadre of UDC to their first-white seniors in the UDC cadre. All the applicants were subsequently promoted to LSG Postal Assistants with effect from 26.6.93 vide proceedings No.ST/47-5/CO-ROS/T-^uP/934 dt. 4.1.1994.

3. It is the case of the applicants that when HSG-II promotions were ordered on the basis of BCR scheme, they should also be promoted if their ~~seniors~~ ^{erstwhile seniors} in the LDC cadre on the basis of competitive exam. selected for promotion as LDC along with them are promoted to HSG-II grade under the said ^{BCR} scheme by virtue of their (applicants) having completed 26 years of service, eventhough they have not completed the requisite service of 26 years.

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4. One Time Bound Promotion scheme was introduced from 30.11.1983 wherein Postal Employees who had completed 16 years of service in the basic grade were promoted to Lower Selection Grade Rs.1400-2300 (RSP) subject to their fitness. Thereafter another scheme was introduced called Biennial Cadre Review (BCR scheme for short) under letter No.22-1-89-P.E.I dt. 11.10.1991 and 1.11.1991. As per this scheme, postal employees with 26 years of service in the basic cadre as well as LSG cadre put together were promoted to Higher Selection Grade-II (HSG-II for short) (Rs.1600-2660) subject to their fitness for promotion overlooking the claim of the applicants herein, as they have not completed total service of 26 years in the basic as well as LSG cadre put together by then.

5. Aggrieved by the above impugned orders, the applicant No.1 herein and others submitted representations dt. 4.11.1994 to the respondents. But, so far no reply has been received by them. Hence, they have filed this OA for a direction to the respondents to promote them to the HSG-II grade (Rs.1600-2660) without insisting on the condition of their completing 26 years of service in the basic as well as LSG cadres stipulated in the BCR scheme, by virtue of their seniority in LSG/LSG cadre to their juniors who were promoted to the higher cadre by virtue of their having completed 26 years of service in the basic and LSG cadres with effect from the date/dates their erstwhile juniors were promoted from LSG to HSG-II (Rs.1600-2660) with effect from 1.1.1994 with all consequential benefits including seniority, payment of arrears of pay and allowances with interest @ 18% p.a. from such dates.

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6. Similar PCR scheme was also introduced by the Department of Telecommunications and officials promoted to LSG cadre in the Telecom Department who were placed similar to the applicants herein, approached the Bangalore Bench of the Tribunal by filing OA 403/92 for similar reliefs as prayed for in this O.A. It was held by the Bangalore Bench of the Tribunal that the LSG officials promoted under 1/3rd merit quota in Telecom Department should also be promoted under the BCR scheme even if they have not completed 26 years of service in the basic grade and LSG without insisting on completion of minimum prescribed years of service if their erstwhile juniors in the LSG and basic grades were promoted to Grade-II in the scale of Rs.1600-2600 (RSRP) under the BCR scheme.

7. Following the above directions of the Bangalore Bench of the Tribunal, Principal Bench, New Delhi also gave similar directions in the case of postal employees in OA Nos.1713/93 and 2597/93 who were similarly placed.

8. The prayer in this OA is similar to the prayers in the OAs quoted in paras-6 & 7 above. The applicants herein were promoted to UDC cadre earlier to their erstwhile seniors in the LDC cadre, by virtue of their selection against 80% selection quota through competitive examination. The OAs quoted above in paras-6 & 7 are in regard to the applicants therein who were selected to LSG cadre against 1/3rd merit quota. In this case as well as cases referred in paras-6 & 7 the applicants were promoted to UDC/LSG earlier to their erstwhile seniors in the cadre of Postal Assistants/Sorting Assistants/LDCs. Hence, the request for promotion to HSG-II against BCR scheme from the dates when their erstwhile seniors in the cadre of PAS/SAs/LDCs/Juniors

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in U.C. cadre of UDC/LSG) were promoted to HSG-II under BCR scheme. The principle to be decided in this O.A. is similar to the principle involved in the above referred OAs in paras-6 & 7. Hence, we see no reason to take a different view than what has already been taken in the above OAs.

9. This Tribunal has disposed of number of OAs where the reliefs prayed for were similar to OAs 403/92 on the file of Bangalore Bench and OA Nos.1713/93 and 2597/93 on the file of the Principal Bench. It is stated for the applicants that the SLPs filed against the judgment delivered by this Bench following the Bangalore Bench and Principal Bench had been dismissed by the apex court, but the copies of the orders of apex court are not made available.

10. The applicants herein are similarly situated to the Postal employees in OA 1713/93 and 2597/93 on the file of the Principal Bench of this Tribunal; OA Nos.403/92 on the file of Bangalore Bench; and OAs No.352/94 and 961/93 on the file of this Bench. In view of the fact that all the applicants herein are having similar grievance, we see no reason to differ from the direction given by the Bangalore Bench and Principal Bench of this Tribunal. In the result, the following directions are given:-

- (1) In implementing the BCR scheme, the applicants who are senior in UDC cadre by virtue of their promotion to UDC cadre compared to other officials who were promoted as HSG-II (Rs.1600-2660) under the BCR scheme, should be promoted to HSG-II in the scale of Rs.1600-2660 in their turn as per their seniority whenever their juniors in the lower grade are considered for promotion to HSG-II by virtue of their having completed 26 years of service in the basic and LSG cadre without insisting on the applicants completing the minimum prescribed years of service in basic as well as LSG cadre. All other conditions of BCR scheme except the length of service will however be applicable while considering their promotion to HSG-II cadre (Rs.1600-2660).

..(/-

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- (ii) Consequently, in case the applicants are found suitable for such promotion, they shall be promoted to HSG-II with effect from the date their erstwhile juniors were promoted from LSG to HSG-II with all consequential benefits including seniority and arrears of pay and allowances from such dates. They should also be put on supervisory duties depending on their seniority,
- (iii) The BCR scheme should be modified suitably to protect the interests of the officials like the applicants for their promotion from LSG to HSG-II,
- (iv) The above directions shall be complied within a period of 4 months from the date of the receipt of the copy of this order.

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The OS is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

Date: 20/12/95

Court Officer

Central Administrative Tribunal

Hyderabad Bench

Hyderabad.

To

1. The Secretary and Director General,
Department of Posts,
Dak Bhavan, Union of India, New Delhi-1.
2. The Chief Postmaster General, A.P. Circle, Hyderabad-1.
3. One copy to Mr. T.V.V.G. Murthy, Advocate, CAT. Hyd.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm.

S. Murthy
Counsel20.12.95
13.12.95
22.12.95
S. Murthy

New Delhi this the 24th Day of February, 1993.

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),
(LSC Accountant) New Delhi H.O.
New Delhi-1.
4. Shri Braham Pal LSC Accountant,
New Delhi H.O. New Delhi-1.
5. Shri H.S. Gupta LSC Accountant,
Ramesh Nagar P.O. New Delhi-15.
6. Shri Datta Laha LSC Accountant,
Delhi G.P.O., Delhi-6.

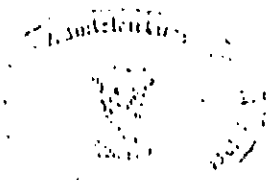
Respondents

(through Sh. H.S. 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



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Office and R.M.S. 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 GOPT No. 31-26-03-1E-1 dated 17.12.1983. This is annexure A-4 enclosed with the C.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.

J

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

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.C.P&T, New Delhi letter No.9-8/72-SPP-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.C. for purpose of granting necessary relaxation so that these seniors are brought within the zone of consideration. This letter of D.C.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

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Eastern Circles to Delhi Circle in October, 1909 and in June, 1902 they were placed below the applicant. This is not denied by the respondents.

The learned counsel for the applicant further argued that the new Scheme for grant of TBOP is a non-functional grade given on completion of 16 years of service and these officials so promoted will get 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 109 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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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 TDOP 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 DGPAT letter No. 9/12/68-SPB-II dated 13.12.1969 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-SPB-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 DGPAT 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.

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The crucial question is the applicability of the rules. The rules of 1976 have not been amended and are applicable is admitted by 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 TDOP 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/

RECEIVED
7/3/51

Sanmuthy
Council

From:

M. Yadaiah
PA to Secy to Govt
Hyd-1

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II (PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of UDC w.e.f. 1-9-87 on passing the examination. According to
 the existing gradation list of Group 'D' 3C Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl. 18 under Permanent/Temp.UDCs.
 My juniors A. Sankar at Sl. 19 who are promoted to
 the cadre of UDC at a later date i.e., from 26-6-83 were
 promoted to the cadre of LSG/HSG-II w.e.f. 26-6-83 vide
 C.O. Memo. No. Staff/UG-5/CO-RO/1983 ignoring me who is senior to the
 above mentioned official(s).

According to the Rectt. rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26-6-83. Ignoring
 the seniors and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No. 403/92, Principal Bench, New Delhi in OA No. 1713/93 &
 2597/93 and Hyderabad Bench OA No. 28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

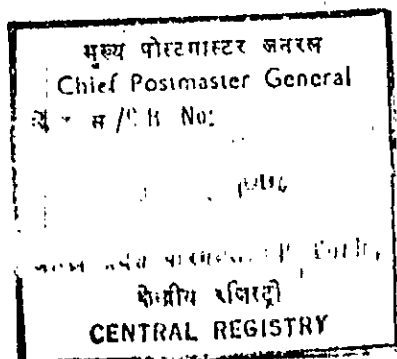
I, therefore, request you to kindly promote me
 to the cadre of LSG (PA CO) / HSG-II (PA CO) w.e.f. 26-6-83
 on par with my junior(s) A. Sankar at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Yours faithfully,

Date: 23-12-1994.

M. Yadaiah



Samudra
Council

(11)

A-16

P. (58)

(69)

From:

M. Kondiah
PA to Secy to Govt
Hydrabad ✓

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II(PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of UDC w.e.f. 1.5.87 on passing the examination. According to
 the existing gradation list of Group 'D' SC Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl. 35 under Permanent/Temp.UDCs.
 My juniors D. Senthil at Sl. 40 who are promoted to
 the cadre of UDC at a later date i.e., from _____ were
 promoted to the cadre of LSG/HSG-II w.e.f. 26.6.82 vide
 C.O.Memo.No. Staff/47.5/CO-Regd/47.5/26.6.82 ignoring me who is senior to the
 above mentioned official(s)

According to the Rectt.rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26.6.82. Ignoring
 the seniors and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No.403/92, Principal Bench, New Delhi in OA No.1713/93 &
 2597/93 and Hyderabad Bench OA No.28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

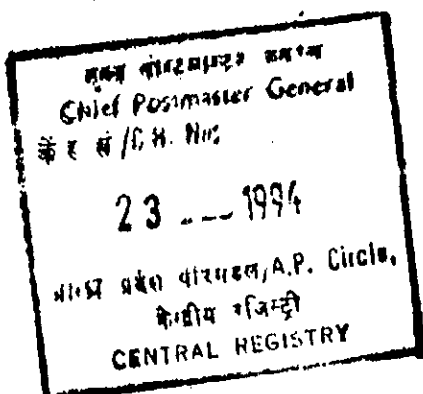
I, therefore, request you to kindly promote me
 to the cadre of LSG(PA CO) / HSG-II(PA CO) w.e.f. 26.6.82
 on par with my junior(s) D. Senthil at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Date: 23 -12-1994.

Yours faithfully,

(Mundel)
 (M KONDIAH)



S. Senthil
Mundel

From:

P. B. Shrivastava
PA (C G)

for CPM Anel ✓

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II(PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

...

I have been promoted and appointed to the cadre
 of PA w.e.f. 13-5-74 passing the examination. According to
 the existing gradation list of Group 'D' SC Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl.36 under Permanent/Temp.UDCs.
 My juniors D. Saurav at Sl.10 who is promoted to
 the cadre of UDC at a later date i.e., from 26-6-93 were
 promoted to the cadre of LSG/HSG-II w.e.f. 26-6-93 vide
 C.O.Memo.No. 51/47-5/CO-RO/13-5-74 ignoring me who is senior to the
 above mentioned official(s) 11.4.1994

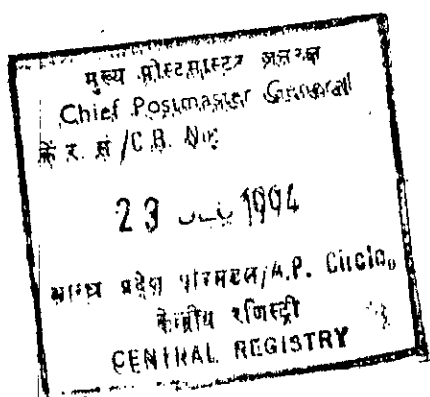
According to the Rectt.rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e. 26-6-93 Ignoring
 the seniors and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No.403/92, Principal Bench, New Delhi in OA No.1713/93 &
 2597/93 and Hyderabad Bench OA No.28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

I, therefore, request you to kindly promote me
 to the cadre of LSG(PA CO) / HSG-II(PA CO) w.e.f. 26-6-93
 on par with my junior(s) D. Saurav at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Yours faithfully,

Date: 23-12-1994.



P. B. Shrivastava
PA-CRCE
for CPM Anel

Sanjay
Countel

A-18

P. (60)

(67)

From:

P. Lakshminarayana
PA (CO)
g/c BMA Hyd.

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II(PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of ~~HSG~~ ^{LDC} w.e.f. 1-8-87 on passing the examination. According to
 the existing gradation list of Group 'D' SC Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl 38 under Permanent/Temp. UDCs.
 My juniors D. Sanjeeva at Sl. 10-12-86 who are promoted to
 the cadre of UDC at a later date i.e., from 26-6-93 were
 promoted to the cadre of LSG/HSG-II w.e.f. 26-6-93 vide
 C.O. Memo. No. Sl/47-5/CO RO/TB Ignoring me who is senior to the
 above mentioned official(s) Sl 4-7-94

According to the Rectt. rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26-6-93. Ignoring
 the seniors and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No. 403/92, Principal Bench, New Delhi in OA No. 1713/93 &
 2597/93 and Hyderabad Bench OA No. 28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

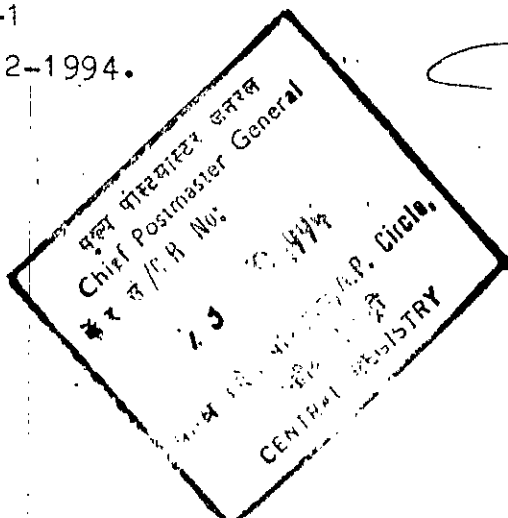
I, therefore, request you to kindly promote me
 to the cadre of LSG(PA CO) / ~~HSG-II~~ (PA CO) w.e.f. 26-6-93
 on par with my junior(s) D. Sanjeeva at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Date: 23-12-1994.

Yours faithfully,

P. Lakshminarayana



Samunthy
Council

(7)

From:

Mohamed
PA CO, c/o C.P.M.
Hyd-1

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II (PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of UDC w.e.f. 1.8.87 on passing the examination. According to
 the existing gradation list of Group 'D' SC Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl. 39 under Permanent/Temp.UDCs.
 My juniors D. Sankar at Sl. 40 who are promoted to
 the cadre of UDC at a later date i.e., from 1.8.87 were
 promoted to the cadre of LSG/HSG-II w.e.f. 1.8.87 vide
 C.O. Memo. No. 2111/10-5/80 ignoring the seniority of the
 above mentioned official(s).

According to the Rectt. rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26.6.87. Ignoring
 the seniors and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No.403/92, Principal Bench, New Delhi in OA No.1713/93 &
 2597/93 and Hyderabad Bench OA No.28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

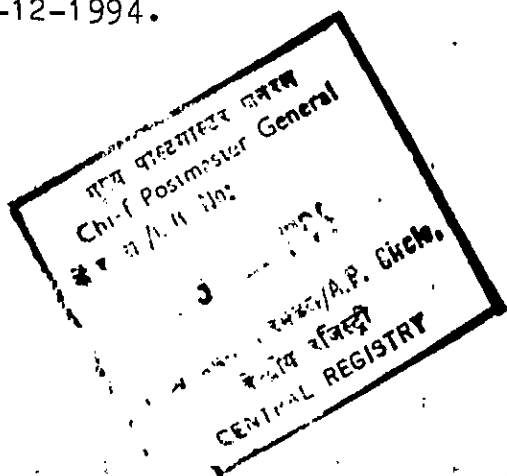
I, therefore, request you to kindly promote me
 to the cadre of LSG (PA CO) / HSG-II (PA CO) w.e.f. 26.6.87
 on par with my junior(s) D. Sankar at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Date: 23-12-1994.

Yours faithfully,

(Mohamed)



(5) Sanjay
Cahndel

A-20

P. 62

From:

P. Vijay Kumar
PA (CO)
90 C.P.M.C. HYD.

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II(PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of UDC w.e.f. 5-6-78 on passing the examination. According to
 the existing gradation list of Group 'D' SC Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl. 40 under Permanent/Temp.UDCs.
 My juniors D. Sanjeeva at Sl. 10-12-86 who are promoted to
 the cadre of UDC at a later date i.e., from 26-6-93 were
 promoted to the cadre of LSG/HSG-II w.e.f. 26-6-93 vide
 C.O.Memo.No. 97/47-1/CO-RO/120843 ignoring me who is senior to the
 above mentioned official(s)

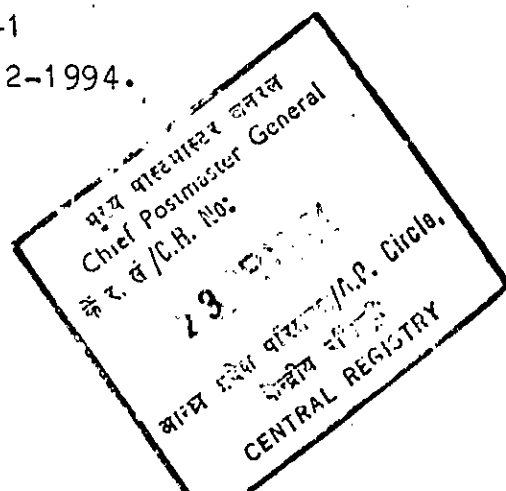
According to the Rectt.rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26-6-93. Ignoring
 the seniors and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No.403/92, Principal Bench, New Delhi in OA No.1713/93 &
 2597/93 and Hyderabad Bench OA No.28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

I, therefore, request you to kindly promote me
 to the cadre of LSG(PA CO) / HSG-II(PA CO) w.e.f. 26-6-93
 on par with my junior(s) D. Sanjeeva at the earliest for
 which act of kindness, I shall be ever grateful to you.

Yours faithfully,

Hyderabad-1

Date: 23-12-1994.



P. Vijay Kumar

Sanjithy
 Counsel

(6)

A-21

P. 63

70

From

R. Rama Chandra Rao
PA-10, C/O CPMG
Hyd-1

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II (PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of UDC w.e.f. 23.4.86 on passing the examination. According to
 the existing gradation list of Group 'D' Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl. 41 under Permanent/Temp. UDCs.
 My juniors D. Sankar at Sl. 42 who are promoted to
 the cadre of UDC at a later date i.e., from 23.4.86 were
 promoted to the cadre of LSG/HSG-II w.e.f. 26.6.93 vide
 C.O. Memo. No. Sl. 107-5/CO/RO/TPP ignoring me who is senior to the
 above mentioned official(s)

According to the Rectt. rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26.6.93. Ignoring
 the seniority and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No. 403/92, Principal Bench, New Delhi in OA No. 1713/93 &
 2597/93 and Hyderabad Bench OA No. 28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

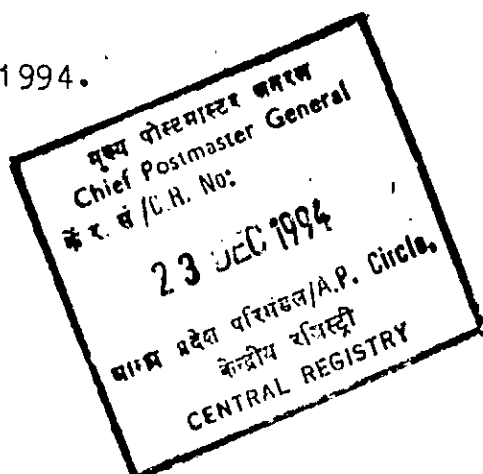
I, therefore, request you to kindly promote me
 to the cadre of LSG (PA CO) / HSG-II (PA CO) w.e.f. 26.6.93
 on par with my junior(s) D. Sankar at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Date: 23-12-1994.

Yours faithfully,

K. RAMACHANDRAM



Somyathy
Counsel

A-22

P. 64

From:

A. Ramdas

PA (CO)

Co-CBMA. HND ✓

To

The Chief Postmaster-General,
A.P. Circle,
HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
LSG / HSG-II (PA CO) under TBOP/BCR schemes
of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
of LSG/HSG-II (PA CO) w.e.f. 23-4-86 on passing the examination. According to
the existing gradation list of Group 'D' 3C Staff of CO/ROs
as on 1-7-1987 my name stands at Sl. 42 under Permanent/Temp. UDCs.
My juniors D. Sanjeeva at Sl. 10-12-86 who are promoted to
the cadre of UDC at a later date i.e., from 26-6-93 were
promoted to the cadre of LSG/HSG-II w.e.f. 26-6-93 vide
C.O. Memo. No. Stoff/47-3/10-2/1508-93 ignoring me who is senior to the
above mentioned official(s).

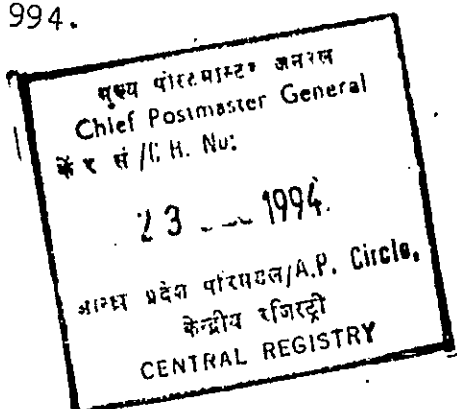
According to the Rectt. rules framed under
Article 309 of Constitution of India, promotion should be made
based on the seniority subject to fitness. As such, I should
have been given promotion to the cadre of LSG/HSG-II from the
date my junior(s) have been promoted i.e., 26-6-93. Ignoring
the seniors and promoting the juniors basing on the length of
service is against the rules. In this connection kind attention
is invited to the judgements delivered by the CAT Bangalore Bench
in OA No. 403/92, Principal Bench, New Delhi in OA No. 1713/93 &
2597/93 and Hyderabad Bench OA No. 28/94, 928/91, 961/93 & 352/94
wherein the same principle was enunciated.

I, therefore, request you to kindly promote me
to the cadre of LSG (PA CO) / HSG-II (PA CO) w.e.f. 26-6-93
on par with my junior(s) D. Sanjeeva at the earliest for
which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Yours faithfully,

Date: -12-1994.



A.R.M.
Sanjeeva
Counsel

A-23

P. 65

72

From:

Sgt 4 A 212
 RA (C.O.)
 G.O. C.R.M.C. Hyd.

To

The Chief Postmaster-General,
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of
 LSG / HSG-II (PA CO) under TBOP/BCR schemes
 of promotion on par with my junior(s) - Reg.

I have been promoted and appointed to the cadre
 of UDC w.e.f. 11-9-87 on passing the examination. According to
 the existing gradation list of Group 'D' '3C' Staff of CO/ROs
 as on 1-7-1987 my name stands at Sl. 45 under Permanent/Temp. UDCs.
 My juniors D. Sankar at Sl. 10-12-86 who are promoted to
 the cadre of UDC at a later date i.e., from 26-6-93 were
 promoted to the cadre of LSG/HSG-II w.e.f. 21-6-93 vide
 C.O. Memo. No. 9-18/47-5/CO-82/TBOP-93 ignoring me who is senior to the
 above mentioned official(s)

According to the Rectt. rules framed under
 Article 309 of Constitution of India, promotion should be made
 based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG/HSG-II from the
 date my junior(s) have been promoted i.e., 26-6-93. Ignoring
 the seniority and promoting the juniors basing on the length of
 service is against the rules. In this connection kind attention
 is invited to the judgements delivered by the CAT Bangalore Bench
 in OA No. 403/92, Principal Bench, New Delhi in OA No. 1713/93 &
 2597/93 and Hyderabad Bench OA No. 28/94, 928/91, 961/93 & 352/94
 wherein the same principle was enunciated.

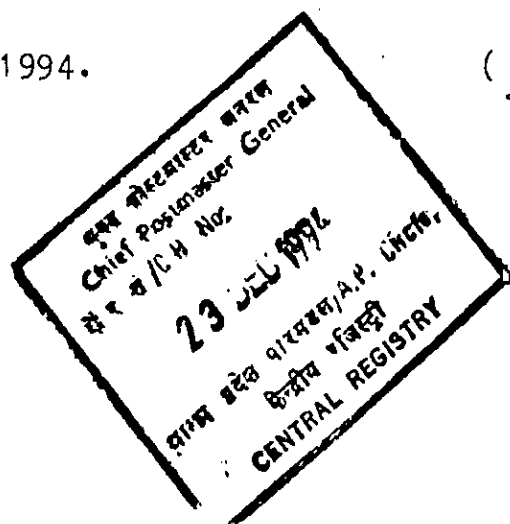
I, therefore, request you to kindly promote me
 to the cadre of LSG (PA CO) / HSG-II (PA CO) w.e.f. 26-6-93
 on par with my junior(s) D. Sankar at the earliest for
 which act of kindness, I shall be ever grateful to you.

Hyderabad-1

Date: 23-12-1994.

Yours faithfully,

(1. 12)
 23-12-94



(16) Ganurthy
 Counsel

From:

B. Dayana
PA-w, 0/00Pmg
- Head-1 ✓

T.

The Chief Postmaster-General
 A.P. Circle,
 HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of LSG
 PA (CO) under TBOP on par with my junior(s).

According to the existing gradation list of
 Group 'C' staff of CO/ROs as on 1-7-1987 my name stands at Sl. 46
 under Permanent/Temp. LDCs. My junior at Sl. 10.12.86 by name Sri
D. Sautave is promoted to the cadre of LSG w.e.f. 26.6.93 vide
 C.O. Memo. No. 2141/47.5/CO/RO/TBOP.93 ignoring me. 4-1-94

According to the Rectt., rules framed under
 Article 309 of the Constitution of India, promotions should be
 made based on the seniority subject to fitness. As such, I should
 have been given promotion to the cadre of LSG PA(CO) from the
 date my junior Sri/Smt. D. Sautave is promoted.
 Ignoring the seniors and promoting the juniors basing on the
 length of service is against the rules. In this connection,
 kind attention is invited to the judgements delivered by the
 CAT Bangalore Bench in OA No. 403/92, Principal Bench, New Delhi
 in OA No. 1713/93 & 2597/93 and Hyderabad Bench OA No. 28/94, 928/91
 961/93 & 352/94 wherein the same principle was enunciated.

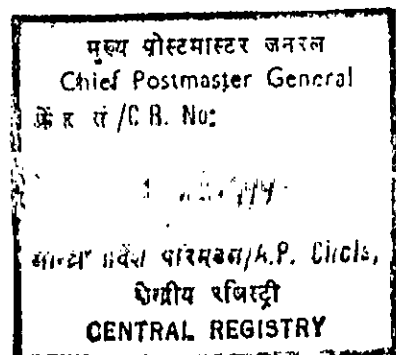
I, therefore, request you to kindly promote me
 to the cadre of LSG PA(CO) w.e.f. 26.6.92 on par with my
 junior(s) D. Sautave at the earliest for which
 act of kindness, I shall be ever grateful to you.

Hyderabad-1

Date: 23-12-1994.

Yours faithfully,

B. Dayana



Samunthy
Council

A-25

P 67

74

From:

K. B. Sanyal

PA(CO)

90CR MC1. NYD.

To:

The Chief Postmaster-General
A.P. Circle,
HYDERABAD-500 001.

Respected Sir,

Sub:- Request for promotion to the cadre of LSG
PA (CO) under TBOP on par with my junior(s).

According to the existing gradation list of
Group 'C' staff of CO/ROS as on 1-7-1987 ~~my name stands at Sl. No. 47~~
under Permanent/Temp. LDCs. My junior at Sl. ~~26-6-93~~ by name ~~1. Sanyal~~
is promoted to the cadre of LSG w.e.f. ~~1-7-93~~ vide
C.O. Memo. No. ~~Staff / 47-5 / CO/RO/TBOP-93~~ ignoring me.

According to the Rectt., rules framed under
Article 309 of the Constitution of India, promotions should be
made based on the seniority subject to fitness. As such, I should
have been given promotion to the cadre of LSG PA(CO) from the
date my junior Sri/Smt. ~~D. Sanyal~~ is promoted.
Ignoring the seniors and promoting the juniors basing on the
length of service is against the rules. In this connection,
kind attention is invited to the judgements delivered by the
CAT Bangalore Bench in OA No.403/92, Principal Bench, New Delhi
in OA No.1713/93 & 2597/93 and Hyderabad Bench OA No.28/94, 928/91
961/93 & 352/94 wherein the same principle was enunciated.

I, therefore, request you to kindly promote me
to the cadre of LSG PA(CO) w.e.f. ~~26-6-93~~ on par with my
junior(s) ~~A. Sanyal~~ at the earliest for which
act of kindness, I shall be ever grateful to you.

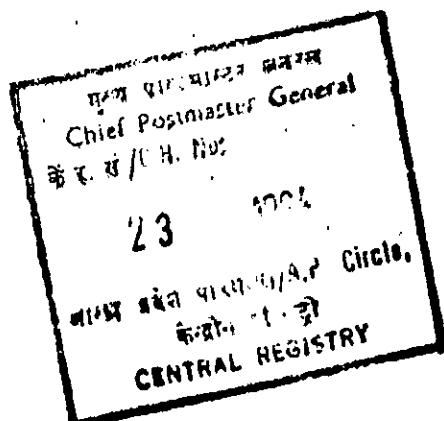
Hyderabad-1

Date: 23-12-1994.

Yours faithfully,

K. B. Sanyal Rao

PA CO

Sanyal
Counhel

75

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

M.A No 684 /97

IN

O.A.SR NO 2131 of 97.

BETWEEN:

M. Yadaiah and 10 others

---- Applicants.

AND

Union of India rep by its Secretary and
Director, Dept. of Posts, Dak Bhavan,
New Delhi-110 011. and other

--- Respondents.

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS.

I. Seshagiri Rao

I, ~~Shaker~~ s/o Narasimha Murthy aged about 56 years do
hereby solemnly affirm and sincerely state on oath as
follows:

1. I am the responsible officer in the office of the Chief Postmaster General and 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 M.A NO684 of 97 in O.A SR No. 2131 of 97 and submit that there are no valid or reasonable grounds therein. The various ~~stat~~ averments made in the M.A are hereby denied save those that have been specifically admitted herein under. The applicant is put to strict proof of such averment that are not been traversed herein under.
3. In respect of the averments in paragraphs 2 and 3, it is to state that the matter relates to the promotion to the cadre of L.S.G under modification orders issued by the Directorate vide their letter No. 22-5/95-P&T dt. 8-2-96. As per the said orders the Applicants cannot compare with the junior officials who were brought on transfer under Rule 38 of the P&T Manual. Vol. IV.
4. It is submitted that the following officials 1 to 6 were transferred to circle office under Rule 38 of P & T Manual, VOL. IV were promoted to L.S.G cadre under T.B.O.P Scheme as they are completed 16 years of service. Smt . A. Sesharatnam and Sri D. Sanjeeva were promoted ~~vide~~ vide ST/ 47-5/Co-Ros/TBOP/93 ~~and~~ under service concession to fill up S.T short fall vacancy. Sri T.P Sastry and Smt . Annaji were promoted vide ST/ 47-5/Co-Ro/TBOP dt. 15-12-94 and Sri P. Srinivasa Reddy and Sri G.C Saibaba were promoted vide ST/47-5/Co-Ro/TBOP/95-96 dt. 31.8.95. The above officials

are juniors to the applicants in the gradation list. Modification orders have been issued by the directorate vide their Lr.No.22-5/PE.I dt.8.2.96 and further clarified vide Lr. ~~dt.~~ dt.26.3.96 to remove anomalies with regard to promotions. As per the orders, seniors are to be promoted on par with juniors. Further, it is clearly stated in the Directorate's letter dt.8.2.96 that the senior officials cannot compare with the juniors who were brought under Rule-38 and promoted to L.S.G cadre on completion of 16 years of service. It is further submitted that all the applicants submitted identical representations against the orders S.T 47-5/Co-Ros/93 dt .4-1-94. But subsequently, modification orders through 22-5/95 PEI, Dated 8.2.96 and 22-5/95-PEI Dt.26.3.93 from the Directorate have been issued and the same that the officials cannot compare with the officials who came under Rule-38 of P&T Manual Vol IV for promotion on par with ~~the officials~~ juniors, as completion of prescribed length of service is the criterion for promotion and as the applicants were not working in Higher posts that the officials who were promoted under T.B.O.P/B.C.R. scheme.

5.

In respect of the averments in para 4 it is to state that the applicants have submitted identical representations against the orders dt.4.1.94, but not after the instructions that have been issued by the Directorate on 8.2.96. The applicants have not submitted any representations after issue of the orders dated 8.2.96 or on the orders dt.26.3.96 question of challenging the anomaly does not arise.

6. In respect of the averments in para 5, it is to state that as the representations are identical, they were not replied. The modification orders dated 8.2.96 have been received and they were circulated to all wherein it is stated that they cannot compare with the officials came under Rule-38. It is not known whether Union is pursuing the case with Director-General, Posts, New Delhi; From whom no Specific orders to the contrary have been received till now. The applicants are trying to denive an undue benefit.

7. The averments in para 6 needs no comments.

8. It is submitted that the judgements cited by the applicants in paragraphs 7 to 8 are not relevant to the subject matter of this case. It is submitted the delay on the part

i) Statement to be strong
and verified by the documents

2
12/9/97

Before CAT
AT Hyderabad

MA 684 997

in

OA SR 2131 997



at
12.15 P.M
A

Reply Statement -

Recd copy

Sampath

12/9/97

Filed on 12.9.97

Filed by: Kolu Bhaskar Reddy
Addl C.A.S.

of the applicants counsel in filing the O.A intime cannot be a ground for ~~consideration~~ ^Ccodonation of delay in filing the O.A.

In the view of the submissions made above this Hon'ble Tribunal may be pleased to Dismiss the M.A 684/97 in O.A SR NO.2131/97 and pass such further order or orders as deem fit and proper in the circumstances of the case.

~~Attested~~ Attested.

Deponent.

VERIFICATION.

H Seshagiri Rao
I, ~~Shaker Shaker~~, s/o Narasimha Murty aged about 56 Years do hereby verify & that the contents in the above paras are true to my knowledge and according to the legal advise of my counsel and that I have not suppressed any of the material facts.

Attested.

Deponent.

Hyderabad.

Dt. 12.9.1997.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

DA. No. 2131/97.

O.A. 1238 /97.

Dt. of Decision : 17-09-97.

1. M. Yadaiah
2. M. Kondalah
3. P. Eshwar
4. P. Laxmanarayana
5. Mohanlal
6. P. Vijayakumar
7. K. Ramachandram
8. A. Ramadass
9. Syed Azia
10. B. Dayanand
11. K. Balasuryarao

.. Applicants.

Vs

1. The Union of India, rep. by
the Secretary and Director
General, Dept. of Posts,
Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster General,
AP Circle, Hyderabad.1.

.. Respondents.

Counsel for the applicants : Mr. Y. Appala Raju

Counsel for the respondents : Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM: -

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

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

B.

ORDER

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

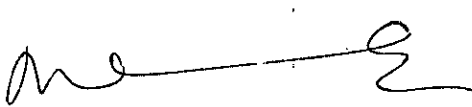
Heard Mr.Y.Appala Raju, learned counsel for the applicants.
None for the respondents.

2. ^{under} There are 11 applicants in this OA. They were not promoted to the Time Bound One Promotion (TBOP) Scheme. The TBOP Scheme was introduced by R-1 by memo No.4-12/88-PEI (Pt) dated 22-07-93 (Annexure-3). A clarification was issued by R-1 to that scheme by memo No.22-5/95-PEI dated 8-2-96 (Annexure-9) on the basis of the judgement of this Tribunal in OA.1022/95 dated 13-12-95 (Annexure-13). But instead of amending the scheme in accordance with the direction given, the case of the applicants were considered as per the original orders. Thus they were deprived of the promotion under that scheme by ^{not} modifying the said scheme. The applicants had filed representation in this connection to R-2 which are enclosed from Annexure-15 to Annexure-25. It is stated ^{that} those representations are still to be disposed of. In view of the above pending representations the following direction is given:-

R-1 and R-2 should dispose of the representations of the applicants judiciously taking due note of the observations/ directions given in OA.1022/95 dated 13-12-95 (Annexure-13) within a period of two months from the date of receipt of a copy of this judgement.

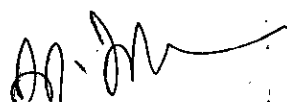
3. The OA is ordered accordingly at the admission stage itself. No costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

17/9/97
Dated : The 17th. Sept. 1997.
(Dictated in the Open Court)

spr


D.R.A.

90

- 3 -

Copy to:-

1- The Secretary and Director General, Dept. Of Posts, Dak Bhavan, N

New Delhi - 110001.

2. The Chief Postmaster General, A.P. Circle Hyderabad. -1.

One Copy to
3, Mr. Y. Appala Raju Advocate CAT. Hyd.

4. One copy to Mr. K. Bhaskara Rao Addl. CGASC. CAT. Hyd.

5. One Copy to The D.R(A).

6. One Duplicate Copy.

Upr.

25/9/97

(b)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 17.9.97

ORDER/JUDGMENT

M.A./R.A./C.A.NO.

in

O.A.NO. 1238/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

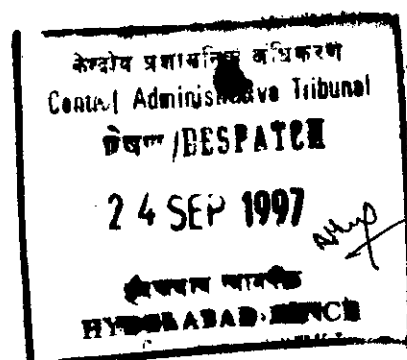
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 22/98 in O.A. 1238/97

Date of Order: 19-1-98.

n:

1. The Union of India, rep. by the Secretary & Director General, Dept.of Posts, New Delhi-1.
2. The Chief Postmaster General, A.P.Circle, Hyderabad-1.

.. Applicants/Respondents.

and

1. M.Yadaiah.
2. M.Kondaiah.
3. P.Eshwar.
4. P.Laxminarayana.
5. Mohanlal.
6. P.Vijayakumar.
7. K.Ramachandram.
8. A.Ramadas.
9. Syed Aziz.
10. B.Dayanand.
11. K.Balasurya Rao.

.. Respondents/Applicants.

For the Applicants: Mr. K.Bhaskar Rao, Addl.CGSC.

For the Respondents: Mr.T.V.V.S Murty, Advocate.

CORAM:

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

The Tribunal made the following Order:-

Heard Mr.T.V.V.S.Murty for the applicants (in OA)

In view of the reasons stated in the M.A. time is granted upto 31-1-98 to take a final decision in the matter.

Thus the M.A. is disposed of.

[Signature]
Deputy Registrar.

To

1. The Secretary and Director General, Dept.of Posts, Union of India, New Delhi-1.
2. The Chief Postmaster-General, A.P.Circle, Hyderabad-1.
3. One copy to Mr. K.Bhaskar Rao, Addl.CGSC. CAT.Hyd.
4. One copy to Mr.T.V.V.S.Murthy, Advocate, CAT.Hyd.
5. One spare copy.

pvm.

17/2/98

I Court

TYPED BY
COMPALED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

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

DATED: 19-1-1998

ORDER/JUDGMENT:

M.A./K.A./C.A. No. 22/98

in

O.A. No.

1238/97,

T.A. No.

QW.2

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal लेख/DESPATCH 23 JAN 1998 हैदराबाद ब्याचपीठ HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD
BENCH AT HYDERABAD - 4.

(Under the provisions of Rule 4(5)(a) of the C.A.T. Procedure
Rules, 1987)

M.A. No. ~~68~~⁶⁸⁵ of 1997

in

O.A.S.R. No. ~~2181~~²¹⁸¹ of 1997

BETWEEN:

1. M.Yadaiah S/o Late N.Rajaiah (SC)
Aged 45 years, Postal Assistant,
(PA-for short), office of the chief
Post Master-General, A.P.Circle,
Hyderabad-1 (O/o CPMG, Hyderabad-for short)
2. M.Kondaiah S/o Late M.Mogaliah (SC)
Aged 38 years, PA, O/o CPMG, Hyderabad-1.
3. P.Eshwar S/o Late P.Jagadeeshwar,
Aged 43 years, PA, O/o CPMG, Hyd-1.
4. P.Laxminarayana S/o Late P.Narasimha,
Aged 47 years, PA, O/o CPMG,
Hyderabad-1.
5. Mohanlal S/o Janakirm,
Aged 53 years, PA, O/o CPMG, Hyd-1.
6. P. Vijayakumar, S/o P.Gopalakumar,
Aged 37 years, PA, O/o CPMG,
Hyd-1.
7. K.Ramachandram, S/o K.Narasaiah,
Aged 40 years, PA, O/o CPMG, Hyd-1.
8. A.Ramadas, S/o Late A.Sangaiah,
Aged 39 years, PA, O/o CPMG, Hyd-1.
9. Syed Aziz S/o Late Syed Khasim,
Aged 50 years, PA, O/o CPMG, Hyd-1.
10. B.Dayanand, S/o Late Babaiah,
Aged 46 years, PA, O/o CPMG, Hyd-1.
11. K.Malasurya Rao, S/o K.Satyanarayanam
Aged 45 years, PA, O/o CPMG, Hyd-1. Applicants.

AND

1. The Union of India Rep. by the
Secretary and Director-General,
Departments of posts, Dak Bhawan,
New Delhi. 110 001.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad-500 001. Respondents

Contd...2

APPLICATION UNDER RULE 24 4(5)(a) of the C.A.T. Procedure rules 1987.

Briefs facts leading to the application:-

We are the applicants in this application and in the original application, and as such we are well acquainted with the facts of the case,

2. We submit that we are initially appointed as Group 'D' officials and later promoted as Lower Division clerks (LDCS-for short) in the office of the Chief post Master General, (CPMG-for short), Andhra Pradesh circle, Hyderabad after passing Departmental Examination for promotion. The Director-General, Departments of Posts (D.G.Posts-for short) (R-1) by an order No.4-12/88-PE.I dated 22nd July, 1993 (Annexure As at P.No.24 and 25 of the O.A) extended the time-Bound. One promotion (TBOP-for short) scheme and Biennial cadre, Review (BCR-for short) to the group 'C' stair of administrative offices (Circle offices and Regional offices) in the Departments of posts with effect from 26th June, 1993.

3. We submit that the CPMG, Hyderabad (R-2) by his office Memo.No.St/47-5/Co-ROS/TBOP/93, dated 4th January, 1994 (Annexure at P.Nos.27 to 29) Memo.No.ST/47-5/CO-ROS/TBOP, Dated 05-12-1994

(Annexure A-6, at P.No.30) and Memo.No.ST/47-5/CO-ROS/TBOP/95-96, dated 31-08-1995 (Annexure A7 at P.No.31) Promoted some of the juniors to the applicants herein in the LDC/PA cadre who were brought on transfer under Rule 38 of the P & T Manual Vol.IV, on the ground that they have completed 16 years of service to the Lower Selection Grade (LSG - for short), superseding the applicants. This anomaly of promoting juniors ignoring the claim of the seniors under the TBOP Scheme has not been removed or rectified by the D.G.Posts (R-1) by his subsequent clarifications issued vide his office Memo.No.22-5/95-PE.I, dated 08-02-1996 (Annexure A9 at P.No.33 & 34 22-5/95-PE.I, dated 26-03-1996 (Annexure A 10 at P.No.35) 44-60/96, SPB.II, dated 24-09-1996 (Annexure A 11 at P.No. 36 & 37 and the representations of the applicants in this regard are not replied to by the CPMG, Hyderabad (R-2).

contd...3

4. We are therefore challenging this anomaly under the TBOP scheme and the clarifications issued thereon by R-1 and its implementation by R-2 with a prayer that we should be also promoted to the LSG cadre from the date our juniors were promoted, without insisting on the condition of completion of 16 years of service.


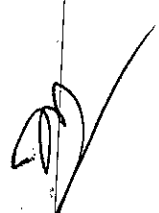
5. We have common interest and cause of action and there is the common question of law and facts, and the relief prayed for is the same. We therefore pray that this Hon'ble Tribunal may be pleased to permit us to file single O.A. under the provisions of Rule 4(5) (a) of the C.A.T (procedure) Rules, 1987, as the cause of action and relief prayed for this same.

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

We, the applicants in the above M.A. as shown in the cause title and all residents of Hyderabad, do hereby verify that the contents of paras 1 to 5 are true to our knowledge and are believed to be true on legal advice and that we have not suppressed any material facts.

HYDERABAD,

Dt: 30-06-1997.



- 1) M. Yadaiah [Signature]
- 2) M. Kondaiah [Signature]
- 3) P. Eshwar [Signature]
- 4) P. Laxmi Narayana [Signature]
- 5) Mohanlal [Signature]
- 6) P. Vijaya Kumar [Signature]
- 7) K. Ramachandram [Signature]
- 8) A. Ramadass [Signature]
- 9) Syed Aziz [Signature]
- 10) B. Dayanand [Signature]
- 11) K. Balasurya Rao [Signature]

Solemnly affirmed and signed
in my presence at Hyderabad
on the 30th day of June, 1997

Before me.

[Signature]
Counsel for the Applicants.

[Signature]
ADVOCATE,
Hyderabad

To

The Registrar,
Central Administrative Tribunal,
Hyderabad Bench at Hyderabad-4.

Single O.A.

CH. 2ND CENTRAL DIST. ADMINISTRATIVE

HEADQUARTERS AND BENCH AT

HYDERABAD - 4.

A.O. No. of 1997

In

O.A. No. of 1997

Application for permission
for single O.A. under
rule 41 of the CAT
(Prevention) Rules, 1987

Sd/-

X-Appraiser &

P.V. S. SUDHAKAR,

Comptroller of the Applicants

Hyderabad Phase-II,

Residential Complex,

Vanasthalipuram,

Hyderabad - 500 070.

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ALLIED to



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MA. 685/97 in O.A.S. 2131/97

23-7-97

Heard Mr. Y. Appala Raju
for the applicants and
Mr. K. Bhaskara Rao for the
respondents.

The MA is not opposed.
Under the circumstances
referred to the MA is allowed
as prayed for.

The MA is ordered
accordingly. No cost.

JV
HBSJP
m(j)

✓
HRRN
m(b)

ORIGINAL

IN JUDICIAL ADMINISTRATION
BENCH CASE
HYDERABAD BENCH

M.A. 685 of 1997

IN

O.A.S. 2131 of 1997

PETITION FOR SEEKING PERMI-
SSION TO ADDITIONAL APPLICA-
TION IN A SINGLE APPLICATION.

AND

Y. Appala Raju
Mr. T.V.V.S. Murthy
COUNSEL FOR THE APPLICANTS

AND

Mr.
Sr. ADDL. STANDING COUNSEL
FOR C.G. RLYS.

CRDER

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

Heard Mr.Y.Appala Raju, learned counsel for the applicants.
None for the respondents.

2. There are 11 applicants in this OA. They were not promoted ^{under} to the Time Bound One Promotion (TBOF) Scheme. The TBOF Scheme was introduced by R-1 by memo No.4-12/88-PEI (Pt) dated 22-07-93 (Annexure-3). A clarification was issued by R-1 to that scheme by memo No.22-5/95-PEI dated 9-2-96 (Annexure-9) on the basis of the judgement of this Tribunal in CA.1022/95 dated 13-12-95 (Annexure-13). But instead of amending the scheme in accordance with the direction given, the case of the applicants were considered as per the original orders. Thus they were deprived of the promotion under that scheme by ^{not} modifying the said scheme. The applicants had filed representation in this connection to R-2 which are enclosed from Annexure-15 to Annexure-25. It is stated ^{that} those representations are still to be disposed of. In view of the above pending representations the following direction is given:-

R-1 and R-2 should dispose of the representations of the applicants judiciously taking due note of the observations/ directions given in OA.1022/95 dated 13-12-95 (Annexure-13) within a period of two months from the date of receipt of a copy of this judgement.

3. The OA is ordered accordingly at the admission stage

प्रमाणित प्रती
CERTIFIED TO BE TRUE COPY

COUNT OFFICER
 Central Administrative Tribunal
 HYDERABAD BENCH

कित लकडा
 CASE NUMBER 041238/22
 निर्णय का तरीका
 Date of Judgement 17/08/24
 जमाना का क्या दिनांक
 23/8/24
 Section Officer

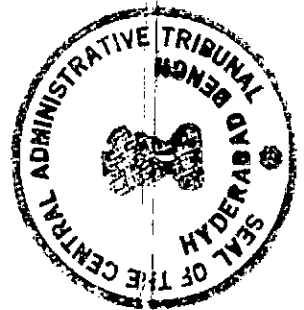
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 1238 /97.

Dt. of Decision : 17-09-97.

1. M.Yadalaiah
2. M.Kondalaiah
3. P.Eshwar
4. P.Laxmanarayana
5. Mohanlal
6. P.Vijayakumar
7. K.Ramachandram
8. A.Ramadass
9. Syed Azia
10. B.Dayanand
11. K.Balasuryarao



.. Applicants.

Vs

1. The Union of India, rep.by
the Secretary and Director
General, Dept. of Posts,
Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster General,
AP Circle, Hyderabad.1.

.. Respondents.

Counsel for the applicants : Mr. Y.Appala Raju
Counsel for the respondents : Mr.K.Bhaskara Rao, Addl.CGSC.

CORAM: -

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

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

R

Letter of Order: 19-1-58.

18

1. The Union of India, rep. by the Secretary : Director General, Dept. of Posts, New Delhi-1.
2. The Chief Postmaster General, Delhi, New Delhi-1.

~~.. applicants/ respondents.~~

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and the applicants: Mr. A. Barker 120, Cal.C.C.

At the same time, Mr. J. J. Hurty, Executive

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

The Tribunal on the following facts:-

Here duty for the applicants (id . . .)

In view of the reasons stated in the ... time
is ordered up to 31-1-98 to take a final decision in the matter.

Thus the ... is disposed of.

अनापिन इति

CERTIFIED TO BE TRUE COPY

अध्यापक अणिकानी उप राजिस्ट्रार (न्यायिक)

Court Officer/Dy. Registrar

केन्द्रीय प्रज्ञा ऋणक व्यधिकरण

Central Administrative Tribunal

हैला गद म्हायपीठ

HYDERABAD BENCH

 $\sqrt{-x} \quad x$

Deputy Director.

~~Secretary and Director General, Dept. of Outp,~~
Union of India, New Delhi-1.

Union of India, at Delhi-1.

Chief, J. Edgar Hoover, Director, Federal Bureau of Investigation, Washington, D.C.

1. The copy to the Technical Co., Ltd. will be made.

3. The copy to be retained... artist, ... date, ...

... to the ...