

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.134/97

DATE OF ORDER : 18-09-1998.

Between :-

G.Venkateshwar

... Applicant

And

1. The Secretary to Govt. of India
& The Director General of Posts,
New Delhi-110 001.
2. The Secretary to Govt. of India,
Dept. of Personnel & Training,
New Delhi.

... Respondents

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Counsel for the Applicant : Shri G.Venkateshwar
(party-in-person)

Counsel for the Respondents : Shri V.Bhimanna, CGSC

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CORAM:

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

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

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

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

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The party-in-person absent. Sri W.Satyanarayana for Sri V.Bhimanna, standing counsel for the respondents.

2. The applicant in this OA is a HSG Gr.II Official in the grade of Rs.1600-2660. He requests for better career promotional prospects. The relief asked for in this OA is for a direction to the respondents to modify the order dt.6-11-95 providing promotional opportunities to BCR Officials belonging to Postal Department equal in percentage with BCR Officials of Telecom Department and also confer Group 'B' gazetted status to HSG-I Officials of Postal Department.

3. A reply has been filed in this OA. The para-3 and 4^o of the reply ^{are} very relevant. These two paras are re-produced below :-

3. The agreement of year 1983 between the official-side and staff side of the Department of Post & Telecommunications envisaged two promotions in the service career of an official i.e. first after completion of 16 years service. Subsequently, after bifurcation of the P & T Department in 1985, the Department of Posts introduced second time bound promotion after 26 years service called B.C.R. It was stipulated in the agreement of 1991 that additional expenditure involved will be met by increased productivity by 6% and 20% in operative and supervisory cadre respectively. Both the Schemes stand implemented with effect from 30-11-83 and 1-1-91 respectively strictly as per the agreement of year 1983. There was no provision in the agreement of year 1983. There was no provision in the agreement that 10% of H.S.G.-II posts will be upgraded to the status of H.S.G-I (Rs.2,000-3,200) as contended by the applicant. It is admitted that 1st promotion scheme called Time Bound One Promotion Scheme was introduced for the

combined P & T Department. But, after the bifurcation of P & T Department the Department of Telecommunications has separately introduced 2nd promotion Scheme called Biennial Cadre Review (BCR) with effect from 16-10-90 on matching savings basis including upgradation of 10% of BCR-HSG-II posts in the scale of Rs.1,600-2,660 to HSG-I grade. Department of Posts had introduced their 2nd promotion scheme with effect from 1-10-91 on purely matching savings basis.

4. It is also to mention here that the two Departments (DOP & DOT) are independent and they follow different yard sticks and norms depending upon the functional and operational needs. The work requirement of the Department of Posts and the Department of Telecom are quite different and the orders issued by one Department cannot inter-alia be made applicable to the other Department. Hence, comparison between two Departments on one-to one basis is therefore, not tenable. Thus, there is no violation of Article-14 and Article-16 of the Constitution of India because no comparison can be made between the two Departments viz. the Department of Post and the Department of Telecommunications.

4. From the above, it is evident that two promotions are offered to the Postal Assistants one under the TBOP scheme and the other is under the BCR scheme after completing 16 and 26 years of service respectively. It is also stated that 10% of BCR-HSG-II posts in the scale of Rs.1600-2660 were upgraded as HSG-I in the scale of Rs.9000-3200. From the above it is evident that the respondents have provided the promotion opportunities in accordance with the agreement reached with the Departmental employees. No employee can demand promotion opportunity on par with ~~any~~ some other department. The request of the applicant to provide promotional opportunities on par with telecom Department employees cannot be agreed to as both the departments are performing dis-similar

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duties. Further the career prospects ^{are} ~~is~~ policy matters. The Court or Tribunal cannot interfere with such a policy matters ~~unless~~ ^{unless} the policy itself is shown as ^a malafide one. In the present case we do not find any malafide or perversity in the scheme as explained ~~both~~ ⁱⁿ paras-3 and 4 which ^{are} ~~were~~ extracted above.

5. In view of the above, we find no merit in the OA and the same is dismissed. No order as to costs.

(B. S. JAI PARAMESHWAR)

Member (J)

18/9/98

(R. RANGARAJAN)

Member (A)

Dated: 18th September, 1998.

Dictated in Open Court.

18/9/98

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Copy to:

1. The Secretary to Govt. of India, & The Director General of Posts, New Delhi.
2. The Secretary to Govt. of India, Dept. of Personnel & Training, New Delhi.
3. One copy to Mr.G.Venkateswar, Party in Person, Sub Postmaster, Bella Vista Post Office, ~~Hyderabad~~ Hyderabad.
4. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One copy for duplicate.

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II COURT
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 18/9/98

ORDER/JUDGMENT
M.A/R.A/C.P.NO.

in
C.A.NO. 184/92

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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