

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 524/99

Date of Order: 22.4.99

BETWEEN :

M.Chenna Reddy

-- Applicant.

AND

1. Superintendent of Post Offices,
Peddapally Division,
Peddapally.2. Director of Postal Services,
Hyderabad Region,
Hyderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.V.Veerabhadraiah

Counsel for the respondents

.. Mr.E.N.Sharma

- - -

CORAM :

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

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

ORDER

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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None for the applicant. Mr.M.C.Jacob for
 Mr.B.N.Sharma, learned standing counsel for the
 respondents.



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2. The applicant in this OA prays for considering his case for promotion under the TBOP scheme. The applicant joined the postal department as Time Scale Clerk on 18.1.80 and completed 16 years of service. He was due to the promotion onetime bound scheme soon after 18.1.96. The applicant submits that the first DPC formed to consider the promotion to TBOP eligible officials on 8.7.96, 5.8.97 and 28.8.98 did not consider the case of the applicant. When he represented his case on 17.9.98 R-1 informed him that the case of promotion to the cadre of TBOP was not considered.

3. This OA is filed for a declaration that the non-consideration of his name for promotion on due date i.e. on 18.1.96 or atleast on the date of constitution of 1st DPC dated 8.7.96 or even atleast on the last held DPC on 28.9.98 and for communicating the letter dated 25.11.98 is illegal, arbitrary and unwarranted and for a consequential direction for immediate implementation of promotion of TBOP w.e.f. 8.7.96.

4. On 17.4.99 we ordered to produce the DPC proceedings. Today the DPC proceedings were produced. The case of the applicant was considered by the DPC held on 16.8.95 even earlier to 8.1.96. Result of his consideration for promotion was kept in sealed cover as disciplinary proceedings ^{were} ~~are~~

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contemplated against him and the applicant ^{was} ~~is~~ under suspension. In the DPC held on 8.7.96 the same position ^{to} prevail. Once again the applicant was considered by the DPC held on 5.8.97 and then also his case was kept in a sealed cover as disciplinary proceedings ^{were} ~~are~~ contemplated against him and he was under suspension. In the DPC held on 20.8.98 there is no change in the position as existed earlier.

5. In view of the above the applicant though considered for promotion under TBOP scheme his result has been kept in sealed cover and ^{department action} ~~is~~ contemplated against him and he is under suspension. In view of the case reported in AIR 1991 SC 2010 (K.V. Janaki Raman v. Union of India), we find no irregularity in the case of the consideration of the applicant for promotion under TBOP scheme. The above fact has been clearly indicated in the impugned order dated 25.11.98 where by he was informed that his case was considered under the TBOP scheme by the DPC held on 28.9.98 and he was passed over for promotion to the cadre of TBOP. It could have been ~~stated~~ ^{that} in the impugned order his case was considered right from the year 1996 till 1998 and his case has been kept in sealed cover because of the disciplinary proceedings pending against him. If such a remark ^{had} ~~had~~ been made on 28.11.95 the applicant could have obtained clear picture.

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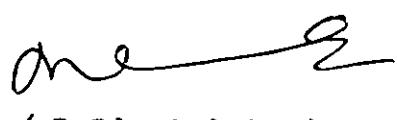
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6. In view of what is stated above the OA is dismissed.
No costs.

7. The DPC proceedings are perused and returned back.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
22/4/99


(R.RANGARAJAN)
Member (Admn.)

Dated : 22nd April, 1999

(Dictated in Open Court)

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COPY TO:-

1. H.D.H.N.J
2. H.H.R.P. M(A)
3. H.O.S.J.P. M(J)

4. B.B. (A)

5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

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

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

DATED: 22-4-99

ORDER / JUDGEMENT

MAY/R.A./C.P.NO.

IN

C.A. No. 524/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WIT

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

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केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
प्रेषण / DESPATCH

12 MAY 1999

हैदराबाद आपील

HYDERABAD BENCH

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