

75

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

78

No.O.A.1206 of 1999

Date of Order : 26.4.2000

BETWEEN :

P.Jayarao

... Applicant

A N D

1. The Director General,  
Department of Posts,  
Govt. of India, Samachar Bhawan,  
New Delhi-110 001.
  2. The Chief Post Master General,  
Andhra Pradesh Circle,  
Hyderabad-500 001.
  3. The Post Master General,  
Visakhapatnam Region,  
Visakhapatnam-530 003.
  4. The Director of Postal Services,  
Visakhapatnam Region,  
Visakhapatnam-3.
  5. The Superintendent of Post Offices,  
Kakinada Division, Kakinada-533001.
- ... Respondents

Counsel for applicant : Mr.S.Ramakrishna Rao.

Counsel for respondents: Mr.B.Narasimha Sharma.

CORAM :

1. The Hon'ble Mr.R.Rangarajan, Member (A).
2. The Hon'ble Mr.B .S.Jai Parameshwar, Member (J).

O R D E R

R.Rangarajan, Member (A)

Heard Ms.Parvati for Mr.S.Ramakrishna Rao for the applicant  
and Mr.B.Narasimha Sharma for the respondents.

2. The applicant in this O.A. is an ST Community candidate.  
He was passed over for promotion under BCR against the ST shortfall

w.e.f. 1.1.1997 vacancies by the impugned order bearing no.SP/CON/5/97 dated 17.10.1997 (annexure 'A-II' to the O.A.). The applicant was also passed over against the ST shortfall vacancies w.e.f. 1.7.1996 by the order dated 16th April, 1997 (annexure 'A-I' to the O.A.).

3. This O.A. is filed to call for the records pertaining to the promotion of HSG-II (BCR cadre) against SC/ST shortfall vacancies for the period 1.7.1996 to 1.1.1997 in which the applicant was bypassed for promotion and for a consequential direction upon the respondents to promote the applicant to HSG-II cadre under BCR against SC/ST shortfall w.e.f. 1.7.1996 i.e. from the date he was due for promotion.

4. The case of the applicant was considered for promotion against the shortfall of ST vacancies w.e.f. 1.7.1996. At that time, there were three ST shortfall vacancies to be filled. Hence, ST employees even with less than 26 years of service but with more than 17 years of service were considered. The applicant was one of them. Similarly against shortfall vacancies of STs w.e.f. 1.1.1997, there were 4 shortfall S.T. vacancies. Promotion under BCR Scheme was considered on completion of 26 years of service but the applicant <sup>who had</sup> completed only 17 years of service <sup>was considered to fill the shortfall vacancy</sup>. In both the DPCs, the applicant was bypassed, as stated above. Hence, he has filed this O.A.

5. The respondents in their reply submit that the DPCs found the applicant unfit. Hence his junior was given promotion under BCR Scheme as he was found eligible for promotion.

6. The only point to be seen in this O.A. is whether bypassing of promotion of the applicant has been done in accordance with the rules.

7. The ld.counsel for the respondents submits that the average ~~report for the last 5 years~~ <sup>is</sup> bench mark for promotion. He also admitted that if there <sup>is</sup> no <sup>current</sup> punishment ~~pending~~ against the applicant on the date the DPC met and also no charge sheet <sup>is</sup> pending against him on the <sup>date</sup> DPC met, the bench mark of the C.R.

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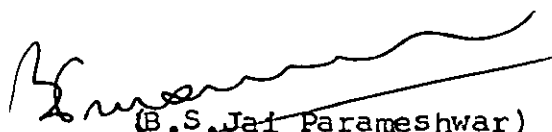
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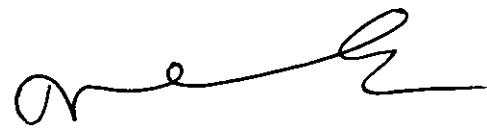
will decide the case of the applicant under the said Scheme.

8. We have perused the DPC proceeding produced today and the shortfall vacancies w.e.f. 1.7.1996 and 1.1.1997. The CRs considered for the last 5 years declare the applicant as average and on these ~~two~~ dates, there was no punishment ~~pending~~ <sup>that</sup> against the applicant. Also there was no charge pending against the applicant. Hence we see no reason for bypassing the applicant for promotion under BCR Scheme against the shortfall ST vacancies.

9. In view of what has been stated above, the O.A. is to be allowed. A direction is to be given to the respondents to review the selection of the applicant for promotion under BCR Scheme from 1.7.1996 and pass a reasoned order in regard to his fitness or otherwise. Time for compliance is 3 months from the date of receipt of a copy of this order.

10. The O.A. is ordered accordingly. No order is made as to costs.

  
(B.S. Jai Parameshwar)  
Member (J)  
*Vol. 100*

  
(R. Rangarajan)  
Member (A)

DATED 26th APRIL, 2000  
Dictated in open court

*fy*  
1-5-00

r.s.