

45

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.209/99

DATE OF ORDER : 16-2-2000

Between :-

Ch.Bharathamma

..Applicant

And

1. Superintendent of Post Offices,
Hanamkonda Division, Hanamkonda-506 001.

..Respondent

-- -- --

Counsel for the Applicant : Shri N.Veerabhadraiah

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

-- -- --

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)).



-- -- --

... 2.



- 2 -

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

-- -- --

Heard Sri N.Veerabadraiah, learned counsel for the applicant and Sri V.Rajeshwar Rao, learned standing counsel for the Respondents.

2. The applicant in this OA was appointed as a Stamp Vendor at Hanmakonda in the Postman cadre. She ^{had} completed 16 years ^{of service} on 2-6-1997. In the meantime a charge sheet was issued for some misconduct in 1996 and she was kept under suspension from 16.8.1996 to 31.12.1996. She was punished by postponing one increment for the period of three months without cumulative effect by memo dated 17.4.1997.

3. Her suitability for promotion under TBOP was considered by the Committee which met on 18.8.1997. She was found unsuitable for promotion even though she ^{had} completed 16 years ^{of service} for the reasons of penalty and also failed to maintain satisfactory service and integrity. Once again she was considered for promotion under TBOP Scheme. That DPC also passed over her for the reasons stated above.

4. The applicant has filed this OA praying for a declaration that the action of the respondents in not considering the case of the applicant with effect from 20.8.1997 i.e. the date of approval of promotion to equal service officials instead of 1.4.1999 as ordered by memo dated 12.8.1999 'as arbitrary and in violation of Article 14 and 16 of the constitution of India.

5. The applicant has been promoted under OTBP Scheme with effect from 1.4.1999 by order dated 12.8.1999. Hence she requests for preponing her promotion with effect earlier date i.e. 20.8.1997


6. It is an admitted fact that the promotion under OTBP Scheme is based on the service eligibility condition coupled with suitability for promotion on the basis of the records. The DPC which met on 18.8.1997 passed over her case not only for the penalty which she underwent from 1.6.1997 to 31.8.1997 but also on the ground of not maintaining satisfactory record of service and integrity. The

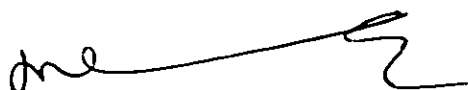


- 3 -

applicant's case was also considered by the next DPC held on 25.9.1998 and that DPC also passed over her case for the reasons stated above. When an employee is unsuitable due to poor service record, the promotion under OTBP scheme cannot be given. The applicant only submits that the punishment is a minor one and hence she should be given promotion. As stated earlier, DPC considered her service record and rejected her case but also took note of the penalty. Hence it cannot be stated that her case was passed over only because of the imposition of penalty.

7. In view of what is stated above, we find no merit in the OA. Hence the same is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
16/2/00
Member (J)


(R. RANGARAJAN)
Member (A)

Dated: 16th February, 2000.

Dictated in Open Court.

Avl/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD :

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HRRM M (ADMN.)
3. HBSIP M (JUDL.)
4. D.R. A(DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 16/2/2000

MA/RA/CP.NO.

IN

OA. NO. 209/99

- ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS

