

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 13 September, 2001

OA No.442/1998

Chhotelal Meena s/o Sohan Lal working as Postal Assistant, Head Post Office, Alwar and r/o Meenapadi, Near Talab, Alwar.

..Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Sr. Superintendent of Post Offices, Alwar Division, Alwar.

.. Respondents

Mr. K.L.Thawani, counsel for the applicant

Mr. Sanjay Pareek, counsel for the respondents

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.S.A.T.Rizvi, Administrative Member

ORDER

Per Hon'ble Mr. S.A.T.Rizvi, Administrative Member

Appointed as Postal Clerk on 20th May, 1972, the applicant completed 16 years of service on 20th May, 1988 and accordingly became eligible to be considered for promotion to the LSG Grade (Rs. 1400-2300) under the Time Bound One Promotion (TBOP) scheme. Instead of being granted promotion to the aforesaid grade w.e.f. 20th May, 1988, the applicant has been granted promotion to the aforesaid grade belatedly w.e.f. 1.4.1993 by respondents order dated 11.6.1993 (Ann.A1). Thus, delay in promotion forms the basis of this

OA.

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2. We have heard the learned counsel on either side and have perused the material placed on record.

3. Aggrieved by delayed promotion, the same applicant had approached this Tribunal earlier also through OA No.497/93 which was decided on 27.5.1997 (Ann.A6) with directions to the respondents to decide applicant's representation and to pass detailed order on merits. In compliance of the aforesaid order, the respondents have passed a detailed and a reasoned order on 28.1.1998 (Ann.A2). The same has been impugned in this OA alongwith order dated 11.6.1993 (Ann.A1).

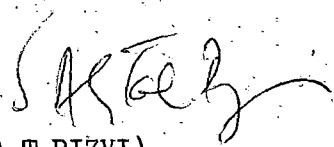
4. The learned counsel appearing on behalf of the respondents has submitted that grant of promotion under the TOBP scheme is not automatic in the sense that under the relevant guidelines (Ann.A3) the official concerned must be a satisfactory performer before his case is considered favourably by the DPC. Placement in the LSG grade, under the aforesaid guidelines amounts to promotion and, therefore, the fitness of an official looking for promotion under the said scheme, is required to be assessed carefully by the DPC and for this purpose normal procedures relating to promotion are followed. In order to determine fitness for promotion, the DPC can evolve its own norms which cannot be questioned. The learned counsel has accordingly further submitted that the applicant was considered for promotion by the DPC not only in 1988, but in subsequent years as well. All along upto the year 1992 he was found to be unfit for promotion for LSG grade. It was in the year 1993 that for the first time the DPC found him to be fit for promotion and passed orders dated 11.6.1993 which has been impugned by the applicant (Ann.A1). The respondents, according to the learned counsel, have followed the prescribed procedure and have correctly assessed the work and conduct

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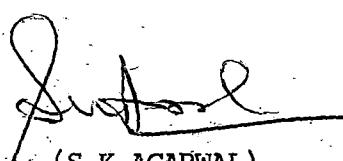
of the applicant for the purpose of promotion to the LSG grade. The applicant's case that he should have been promoted way back in 1988 is, in the circumstances, without any basis and cannot be accepted.

5. The learned counsel for the applicant had, during the course of hearing, in this case desired that the original record relating to the promotion of the applicant should be summoned and perused by the Tribunal in order to arrive at a just decision in this case. We have carefully perused the original file placed before us by the learned counsel for the respondents. We have also perused the minutes of the DPC meetings held in 1988, 1989, 1990, 1991, 1992 and 1993. While perusing the aforesaid record, we kept in view the detailed order passed by the respondents on 28.1.1998 which is under challenge in this OA. The service record of the applicant is found to be of an indifferent character. He has been chargesheeted and punished during the aforesaid years. The level of his general performance has hardly ever been adjudged in favourable terms. In the circumstances, we cannot dispute the respondents' contention that the applicant has been ignored in the matter of promotion right upto the year 1992 ~~for~~ <sup>for</sup> good, sufficient and justifiable reasons.

6. For all the reasons mentioned in the preceding paragraphs, the OA is found to be devoid of any merit and the same is dismissed with no order as to costs.

  
(S.A.T.RIZVI)

Adm. Member

  
(S.K.AGARWAL)

Judl. Member