

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 287 of 1997.

DATE OF DECISION.....16.12.1998.....
(At Agartala)

!! Shri Nirmal Kumar Suklabaidya (PETITIONER(S))

Shri B.K.Sharma. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

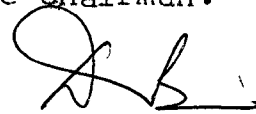
Shri A.K.Choudhury, Addl.C.G.S.C ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 287 of 1997.

Date of Order : This the 16th Day of December, 1998.
(At Agartala)

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Shri Nirmal Kumar Suklabaidya,
son of Late Naresh Chandra Suklabaidya,
presently working as Deputy Postmaster,
Head Post Office, Dharmanagar,
Tripura.

. . . Applicant

By Advocate Shri B.K.Sharma.

- Versus -

1. Union of India,
represented by the Secretary to the
Govt. of India,
Ministry of Communications,
New Delhi.

2. The Director General,
Department of Posts,
New Delhi-110001.

3. The Chief Postmaster General,
N.E.Circle, Shillong.

. . . Respondents

By Advocate Shri A.K.Choudhury, Addl.C.G.S.C

O R D E R

BARUAH J.(V.C)

This application has been filed by the applicant seeking promotion under the Biennial Cadre Review Scheme. The facts of the case are :-

At the time of filing of this application the applicant was serving as Deputy Postmaster at Dharmanagar Head Post Office. Initially he was appointed in the Postal department in Clerical grade. In the year 1980 he passed the Post Office and Railway Main Service Examination and he became an Accountant. He also received Lower Selection Grade in January 1984 and worked as Assistant Postmaster (Accounts). As per the Office Memorandum dated 17.12.1983 the Government of India introduced time bound one time

promotion scheme. He was not given the said time bound promotion, as he had been promoted to the post of Assistant Postmaster, he was not entitled to the benefit of the scheme. Subsequently, the Government of India, Ministry of Communications introduced biennial cadre review scheme vide its letter dated 26.7.1991. This biennial cadre review scheme was introduced primarily with a view to improve promotional prospects of the employees of the department. Under the said scheme, officers who had completed prescribed satisfactory length of service in the appropriate grade are to be promoted to the next higher grade. The applicant was given the said benefit with effect from 1.7.1994. The applicant, however, submits that he was entitled to get the benefit with effect from 1.10.1991. In para 4.10A of the application the applicant has stated as follows :-

"That the applicant states that it is an admitted position that his juniors were given promotion with effect from 1.10.91 which will also be evident from the order at Annexure-4A dated 27.3.92. The officials named under Dharmanagar Division are all juniors to the applicant who have been given promotion with effect from 1.10.91. Thus applying the test of "next below rule" the applicant is also entitled to get his promotion with effect from 1.10.91."

As per the said averment the applicant was denied promotion ignoring his seniority. In fact according to him Postal Assistants junior to him in Dharmanagar Division mentioned in Annexure-3A of the application had been given promotion overlooking his claim. This is a categorical statement made in the application. In reply to this, the respondents have stated in para 11 of the written statement as follows :-

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". most of the officials under Dharmanagar Division given the BCR promotion w.e.f. 1.10.91 are senior to the applicant as they got LSG (OTB) promotion w.e.f. 30.11.83 whereas the applicant got LSG(1/3rd quota)

promotion w.e.f. 18.1.84 and he got
BCR promotion w.e.f 1.1.94 before
completion of 26 years of service
on the basis of reservation quota
for the SC officials after review of
his case"
(emphasis supplied).

The expression "most of the officials" referred to in the
above quoted paragraph indicates that not all the officials.
The respondents however have not come out with a specific
averment as to who were not senior to the applicant. In that
application also, the name of the officers junior to him
have not been specifically mentioned. In view of the above
it is difficult for this Tribunal to come to a finding in
this regard. We feel that it will be proper if a detail
representation is filed by the applicant in addition to one
which had already been filed before the respondents within
3 weeks from the date of receipt of this order and the
respondents shall consider and dispose of the same by a
reasoned order. Mr B.K.Sharma, learned counsel for the
applicant submits that before passing such order the applicant
may be heard personally. Mr A.K.Choudhury, learned Addl.
C.G.S.C has no objection to it. Accordingly we direct the
respondents that if the applicant makes a request for personal
hearing that may be allowed by giving due notice.

The application is disposed of with the above order.

No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN