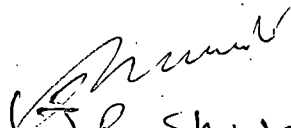



3-10-07

Mr. C. B. Sharma counsel for applicants,
Mr. Anand Rawat, Senior standing counsel,
for the respondents.

Heard. The OA has
been disposed of by a
separate order.


(J.P. Shukla)
Administrative member


(M.L. Chohan)
Judicial member

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.93/2007.

Jaipur, this the 3rd day of October, 2007.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Smt. Kamal Soloman
W/o Shri Anil Soloman,
Aged about 50 years,
R/o 2, Godwari Enclave Colony,
Near Nasia Ji, Jain Mandir,
Dada Bari, Kota.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India
Through its Secretary to the Government of India,
Department of Posts,
Ministry of Communication and Information Technology,
20 Ashoka Road, Dak Bhavan,
New Delhi 110 001.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur 302 007.
3. Post Master General,
Rajasthan Southern Region,
Ajmer 305001.
4. Senior Superintendent of Post Offices,
Kota Postal Division,
Kota.

... Respondents.

By Advocate : Shri Kunal Rawat, Senior Standing Counsel.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for
the following reliefs :-

"(1) That respondents may be directed to give effect
promotion order dated 1/12/2006 (Annexure A/1) with
the further benefits of ad hoc promotion as allowed
to her co-workers vide Annexure A/7 by quashing any

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decision taken by the respondents with all consequential benefits.

(ii) That the respondents may be further directed to drop proceedings initiated under rule 16 of CCS (CCA) Rules, 1965 taking into consideration of 40 years service of the applicant and not to put the applicant in financial loss at verge of retirement.

(iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

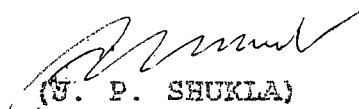
2. Notice of this application was given to the respondents. Respondents have filed reply. In the reply, the respondents have categorically stated that the applicant could not be given the benefit of promotion to HSG-II because disciplinary action under Rule 16 of CCS(CCA) Rules, 1965 was pending against her and she was also imposed penalty of withdrawal of promotion vide Memo dated 29.03.2007. It is further stated that on appeal, this Penalty order of withholding of promotion has been set aside by the Appellate Authority and the applicant has been allowed to join on the promotion post viz. SPM Kota Jn. on 01.06.2007. Thus, according to the respondents, the present OA has become infructuous. This fact is, however, not disputed by the Learned Counsel for the applicant. Learned Counsel for the applicant submits that during the pendency of this OA and when the applicant was undergoing the penalty as imposed by the Disciplinary Authority vide Memo dated 29.03.2007, certain persons junior to the applicant were also


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promoted to HSG-I and thus according to learned Counsel for the applicant his client is also entitled to promotion to HSG-I, from the date when her juniors were so promoted.

3. We have given due consideration to the submissions made by the Learned Counsel for the applicant. Since the said part of averment does not find mention in the present OA, as such, no positive direction to this effect can be given. However, we are of the view that in case the fact as stated by the Learned Counsel for the applicant is correct and certain persons junior to the applicant have been granted the selection grade of HSG-I, in that eventuality, we see no reasons, why the respondents shall not themselves extend the said benefit to the applicant expeditiously as the applicant is going to retire on superannuation on 30.11.2007.

4. With these observations, the OA is disposed of and it is expected that the respondents shall consider the case of the applicant for grant of promotion to HSG-I before 31.10.2007.


(U. P. SHUKLA)
ADMINISTRATIVE MEMBER


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./