

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 17th day of March, 2011

O.A. No. 587/2009

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

U.S.Tiwari
s/o Shri Ram Swaroop Tiwari,
r/o Ward No.25,
Telephone Exchange Building,
Rajakhera, District Dholpur and
presently working as
Public Relation Inspector (Postal),
Dholpur Head Office, Dholpur.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through
its Secretary to the Government of India,
Department of Posts,
Ministry of Communications and
Information Technology,
Dak Bhawan,
New Delhi- 110 001.
2. Chief Post Maser General,
Rajasthan Circle,
Jaipur
3. Superintendent of Post Offices,
Dholpur Postal Division,
Dholpur.

.. Respondents

(By Advocate: Shri Mukesh Agarwal)



ORDER (ORAL)

In the present application, the applicant sought relief seeking direction to the respondents to give effect to memo dated 2.3.2009 (Ann.A/2) and to allow the applicant to hold the promotional post of HSG-II (NB) as Sub-Post Master, Bayana MDG till retirement i.e. 31.1.2010 by quashing memo dated 31.7.2009 (Ann.A/1) with all consequential benefits as the applicant was promoted on ad-hoc basis to HSG-II cadre through selection-cum-seniority vide Memo No.B2-29/08 dated 02.03.2009 (Ann.A/2) in pursuance of the Chief Postmaster General, Rajasthan Circle Memo No. Staff/10-67/VII/Postal dated 20.2.2009 and posted as SPM, Bayana, MDG.

2. We have gone through the promotion order dated 2.3.2009 (Ann.A/2) wherein it was clearly indicated that promotion is on ad-hoc basis for 11 months from the date of assumption of charge or until further orders. As per the settled principle of law, ad-hoc promotion to HSG-II (NB) cadre will bestow no right for regular promotion and it will not count for seniority. We have also carefully gone through Para-7 of OM dated 14.09.1992, which is in the following terms:-

"A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para-2 above arise after the recommendation of the DPC are received but before he is actually promoted, will be considered as if his case has been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in the O.M. will be applicable in his case also."



3. In the instant case, it is not disputed that before assuming charge by the applicant on promotional post in pursuance of the promotion order dated 2.3.2009 (Ann.A/2), the applicant was placed under suspension vide order dated 1.5.2009 (Ann.A/6) with immediate effect as disciplinary proceedings were contemplated against him. Thus, as per para-7 of the OM No.22011/4/91-Estt.(A) dated 14.09.1992, the applicant is not entitled for promotion until he is completely exonerated of the charges against him. Thus vide the impugned Memo dated 31.07.2009 (Ann.A/1) issued in pursuance of the Chief PMG, Rajasthan Circle letter No. Staff/10-67/V/Postal dated 1.7.2009, ad-hoc promotion of the applicant to HSG-II (NB) has rightly been cancelled by the competent authority due to pendency of disciplinary case under Rule 14 of the CCS (CCA) Rules, 1965 against him.

4. Thus, we find no illegality in the impugned order dated 31.7.2009 (Ann.A/1) and no interference is called for by this Tribunal. Consequently, the OA fails and is hereby dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K. S. Rathore
(JUSTICE K.S.RATHORE)
Jdil. Member

R/