

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No, 180/00614/2017

Thursday, this the 5th day of April, 2018

CORAM:

Hon'ble Dr.K.B.Suresh, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

V.P.Subramanian
 S/o.Late Mr.V.P.Thupran
 ASRM, RMS 'CT' Division, Calicut RMS
 Residing at Melekammiliyil
 Moscowpara, Chenekkal, Calicut University P.O
 Malappuram – 673 635 **Applicant**

(By Advocate – Mr.V.Sajith Kumar)

V e r s u s

1. Union of India, represented by the Secretary to the Government of India, Department of the post Government of India, New Delhi – 110 001
2. The Director General of Posts
 Dak Bhawan, Sansad Marg
 New Delhi – 110 001
3. The Chief Postmaster General
 Kerala Circle, Trivandrum-695 033
4. K.K.Sivasankara Pillai
 PS Group B, C/o.Regional P.M.G,
 Ernakulam – 682 020
5. K.S.Mini, Asst. Director, (Estt & Rectt)
 Circle Office, Trivandrum-695 033 **Respondents**

(By Advocate – Mr.N.Anil Kumar, Sr.PCGC(R) for R 1-3)

This application having been heard on 5.4.2018, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Per: **Dr.K.B.Suresh, Judicial Member**

Heard. Since this is consequent to O.A No.180/00144/2017 which we have disposed off today, we hereby declare that the applicant is eligible to be considered for the next promotion as clearly stated by the Hon'ble Apex Court in **Union of India Vs. Hamraj Singh Chauhan and others** reported in **AIR 2010 SC 1682** which held that the right of eligible employees to be considered for promotions is virtually a part of their fundamental right guaranteed under Article 16. The guarantee of a fair consideration in the matter of promotion under Article 16 virtually flaws from guarantee of equality under Article 14 of the Constitution.

2. The Original Application is thus allowed. Let the applicant be considered within next two months. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(DR.K.B.SURESH)
JUDICIAL MEMBER**

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List of Annexures

Annexure A-1 - A true copy of the C.O letter No.ST/I/I/5/2016 dated 14.7.2017 issued by the 3rd respondent

Annexure A-2 - A true copy of the relevant pages of gradation list of Inspector of Posts examination of the year 1999

Annexure A-3 - A true copy of the representation dated 20.7.2017 submitted by the applicant to the 2nd respondents

Annexure A-4 - A true copy of the order no.C-32016/07/2006-VP dated 14.11.2006 issued by the 1st respondent.

Annexure R-1 - True copy of the applicant's representation dated 12.5.2016 expressing unwillingness to work in PS Gr.B posts in the leave vacancies.

Annexure R-3 - True copy of the DoP&T O.M No.11012/9/86-Estt(A)
dated 24.12.1986 . . .