

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION. NO.170/00889/2016

DATED THIS THE 14TH DAY OF AUGUST, 2018

HON'BLE DR K.B. SURESH, MEMBER(J)

HON'BLE SHRI C.V. SANKAR, MEMBER(A)

Sri B.K. Ravindran,
Aged about 53 years,
S/o Late B.K. Krishnamurthy,
Working as Sorting Assistant,
Bangalore City R.M.S,
Bangalore-560 023.
Residing at No.10, Gandhigrama,
Railway Parallel Road,
Gayatrinagar,
Bangalore – 560 021.

....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by the Secretary,
Department of Posts,
Dak Bhavan,
New Delhi – 110 001.

2. Chief Postmaster General,
Karnataka Circle,
Bangalore – 560 026.

3.Senior Superintenden,
RMS Bangalore Sorting Division,
Bangalore – 560 026.

...Respondents.

(By Shri K. Dilip Kumar, ACGSC)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. Apparently this matter is covered by our order in OA.No. 1469 to 1475/2013 dated 31.7.2015.

2. Shri Dilip Kumar, learned counsel for the respondents would submit that the applicant had come to the Court after much time has elapsed. But then the Hon'ble Apex Court has held that in such matters, there cannot be a question of limitation, but at the same time if at all any benefits to be given to the applicant, it can have only genesis of 3 years prior to this OA.

3. The question is very very simple. The applicant had been a Sorting Assistant who has not been in the approved list of candidates for promotion, as there was a cloud against him. Prior to Deva Dutt's Judgment, this was not communicated to him as per the order dated 01.09.2008 the proceedings unless it was communicated and opportunity granted for him to contest it, it could not have been taken into account. However, taking into account it was given to him belatedly only on 01.04.2011, going by the Hon'ble Apex Court judgment, it cannot be correct.

4. Therefore, we quash the impugned orders and remit the matter back to the respondents to do the needful in accordance with the order we had passed earlier as stated above. This may be done within next 3 months.

5. OA allowed to this extent. No costs.

(C.V SANKAR)
MEMBER(A)

(DR. K.B.SURESH)
MEMBER(J)

vmr.

Annexures referred to by the Applicant in O.A. No. 889/2016

Annexure- A1: Copy of DOPT Instruction vide OM No.21011/1/2010 Esst. 'A' dated 13.4.2010

Annexure- A2: Copy of Instruction, Ministry of communication vide letter No.4-7/MACP/2009-PCC dated 3006.2011.

Annexure- A3: Copy of OM No.35034/3/2008 Esst(D) Vol.II dated 4.10.2012 issued by DOPT.

Annexure- A4: Copy of APAR of the applicant for the period from 3.6.2008 to 31.3.2009.

Annexure- A5: Copy of APAR of the applicant for the period from 1.4.2009 to 15.1.2010.

Annexure- A6: Copy of letter No.B1/MACP II/SA/II 11-12 dated 14.12.2011, issued by Senior Superintendent RMS, Bangalore sorting Division, Bangalore-560 026.

Annexure- A7: Copy of Representation Nil of the applicant

Annexure- A8: Copy of letter No.B1/MACP /SA/ 2015-16 dated 1.6.2016, issued by Senior Superintendent RMS, Bangalore sorting Division.

Annexure- A9: Copy of Rule 272 B of Vol.IV of P & T Manual.

Annexure- A10: Copy of Hon'ble CAT, Bangalore order dated 31.07.2015, in OA.No.1469-1475/2013.

Annexures with reply statement:

Annexure R1: Copy of Screening Committee Proceedings dated 26.8.2010.

Annexure R2: Copy of Screening Committee Proceedings dated 01.11.2011.

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