

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/523/2022

HYDERABAD, this the 18th day of August, 2022



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. K.V. Eapen, Admn. Member

E. Venkateswarlu,
S/o. E. Thirumalaiah, 'C'
Aged about 52 years,
Occ: Junior Accountants,
O/o. General Manager (Finance),
Postal Accounts Office, Vijayawada – 520 013.

.... Applicant

(By Advocate : Dr. A. Raghu Kumar)

Vs.

1. Union of India rep. by
The Senior Deputy Director General (PAF),
Postal Accounts Wing, Postal directorate,
Dak Bhavan, Sansad Marg, New Delhi – 110
2. The Chief Postmaster General,
AP Circle, Vijayawada – 520 013.
3. The General Manager (Finance),
Postal Accounts Office, Vijayawada – 20 013.
4. The Director of Accounts (Postal),
Telangana Circle, Hyderabad – 500 001.

... Respondents

(By Advocate: Smt K. Rajitha, Sr. PC for CG)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

The OA is filed seeking the following relief:



“to declare the action of the respondents in not considering the promotion of the applicant to the post of Junior Accountant from LDC on account of his clearing the departmental examination on par with his batchmates w.e.f., 31.12.2019 as illegal, arbitrary and violative of article 14 and 16 of the Constitution of India and law of the land and consequently direct the respondents to give the promotion w.e.f., 31.12.2019 on par with his batchmates and reconsider the allotment of the applicant to Telangana on the basis of such seniority with all consequential benefits such as pay and allowances, seniority and etc., in the interest of justice, and be pleased to pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. The brief facts of the case are that the applicant worked in Indian army for 18 years. He was issued a Service Graduation Certificate by the Defence Department which is equivalent to Degree from University awarded to other civilians for the purpose of initial appointment and also promotions. The applicant participated in the selection process of Multi Tasking Staff issued by the Department of Posts as an Ex-Serviceman. He was selected and joined the post of MTS in the office of Director of Accounts (Postal) on 17.12.2014. Later on, the applicant promoted to the cadre of LDC on seniority-cum-fitness quota on 17.04.2018. While working as LDC, the applicant appeared for Departmental Examination for promotion to the post of Junior Accountant(JA) and was qualified. The qualification required for the said post is Graduation. It is submitted that the results of the other officials were declared on 31.12.2019 but the result of the applicant was withheld for clarification with regard to the Service

Graduation Certificate. After 14 months, there was a clarification from the Postal directorate stating that the Service Graduation Certificate is equivalent to Graduation from any University on the civil side and he is entitled for promotion. Subsequently, the applicant was promoted w.e.f. 15.04.2020 vide Orders dt. 23.02.2021. It is submitted that the applicant was not given promotion on par with his juniors, who were promoted w.e.f. 31.12.2019.



3. At this stage, OA/469/2020 was filed before this Tribunal by Junior Accountants and Senior Accounts, challenging the bifurcation policy of the AP Postal Circle. This Tribunal found that the action of the respondents as not correct and directed them to review the promotions w.e.f. 01.01.2020 instead of 20.03.2020 and consequently effect bifurcation as per rules. Though the applicant is not a party in the said OA and has nothing to do with it, the respondents considered his name along with those who were the subject matter of OA/469/2020 and cancelled the promotion of the applicant vide Order dt. 23.02.2021 and reissued the promotion w.e.f. 01.01.2020. It is submitted that the respondents have mixed up the whole issue in case of the applicant enjoined him along with senior quota persons which resulted in sending the applicant to AP vide Order dt. 23.06.2021. Aggrieved over the same, he has made representation dt. 05.07.2022, which is stated to have been pending.

4. Learned Senior Panel Counsel for the respondents, Smt. K. Rajitha, seeks some time for filing a detailed reply.

5. After hearing counsel for the parties at length, the respondents are directed to consider and dispose of the pending representation of the applicant dt. 05.07.2022 by passing speaking orders within a period of sixty days from the date of receipt of a copy of the order. In case, the applicant is still aggrieved, he may re-approach this Tribunal for redressal of his grievance.



6. In view of the above, the OA is disposed of at admission stage itself. It is also made clear that we have not gone into the merits of the case. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER
/a/

(ASHISH KALIA)
JUDICIAL MEMBER