

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2701/1999

New Delhi this the 6th day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Charan Singh S/O  
Shri Baboo Singh  
Accountant-Head Post Office,  
Mathura.  
A-151/8 Patel Nagar,  
Maholi Road, Mathura. .Applicant

(By Advocate Sh. D. P. Sharma)

VERSUS

1. Union of India, through its Secretary, Ministry of Communication (Deptt. of Posts), New Delhi.
2. The Chief Post Master General, U.P. Circle-Lucknow.
3. The Post Master General, Agra Region, Agra.
4. The Sr. Supdt. of Post Office, Mathura Division, Mathura.
5. Sh. K. S. Saraswat S/O Late Bhagwan Singh, Asstt. Post Master (Accounts) Head Post Office, Mathura.
6. Shri M. K. Sharma, S/O Late Shri Rishi Dutta Sharma, Asstt. Post Master (Accounts) Head Post Office, Mathura.
7. The Senior Post Master Head Post Office, Mathura, Mathura (UP). . Respondents

(By Advocate Sh. N. S. Mehta, learned senior counsel)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J):

The applicant has prayed in this application that a direction may be given to the respondents to post him on a supervisory post as Assistant Post Master (Accounts)/APM(A/c), Mathura, against any one of

*[Handwritten signature]*

(2)

the posts presently occupied by his juniors i.e. Respondents No.5 and 6.

2. In Paragraph 1 of the OA, the applicant has stated that he has filed this application against 'the respondents order dated 23.7.1998'. However, during the hearing, Shri D.P.Sharma, learned counsel has submitted that what was meant was that the applicant seeks benefit given to others by this order.

3. The brief relevant facts of the case are that the applicant states that he had qualified in the Accountants Examination in the year 1977, whereas respondent 5 qualified in 1979 and respondent 6 in 1980. He has also submitted that from 7/8.6.1989 till 6.8.1993 the applicant had been posted to officiate on the supervisory capacity as APM(A/c), Mathura. The respondents have, however, clarified in their reply that this was a local arrangement made by the Senior Post Master, Mathura and did not have the sanction of the Chief Post Master General, U.P.Circle, Lucknow, who is the competent authority. Learned counsel for the applicant has submitted that thereafter while other persons similarly situated like him have been continued in the supervisory posts, the applicant has not been so allowed. In the order relied upon by the applicant dated 23.7.1998 which is a clarificatory letter on the subject of fixation of inter-seniority of PO and RMS Accountants and other officers, it has been stated that "the persons holding the post of

Y.S.

APM(A/c) may not be disturbed and future vacancies should be given to seniormost officials." The main contention of the learned counsel for the applicant is that in the light of this clarificatory letter in July 1998, the applicant ought not to have been disturbed from the post in 1993.

4. The respondents in their reply have controverted the above averments. They have submitted that the applicant was not the seniormost at the relevant time. They have annexed the seniority list of officials of T/S (Announts Line) working in LSG (TBOP) as on 22.1.1992, which list has not been challenged by the applicant. In this list, the applicant is placed at Serial No.54, whereas Respondents 5 and 6 are placed at Serial Nos.36 and 47, respectively. Shri N.S.Mehta, learned senior counsel, has, therefore, submitted that the applicant is not the seniormost LSG grade official at the relevant time who could have been posted as APM(A/c) in accordance with the relevant rules and instructions. He relies on the letter issued by the respondents dated 27.3.1991, copy placed on record. In this letter, it has been specifically stated that 'the post of APM (Accounts) will be offered to the seniormost official in the LSG grade in Accounts line". At the time of hearing, learned counsel for the applicant fairly admits that the applicant is not the seniormost in the LSG grade in Accounts line. In this view of the matter, we find no merit in this application as the applicant cannot claim the right to

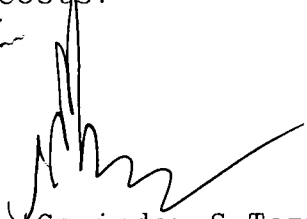
Y/

(4)

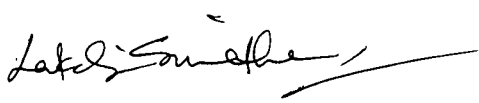
e appointed as APM (A/c) as he is not the seniormost in the grade as specified in the relevant instructions issued by the respondents.

5. Apart from that we also find force in the submissions made by the learned counsel for the respondents that the OA is hopelessly barred by limitation. Admittedly, the applicant had been reverted from the post of APM(A/c) as far back as 6.8.1993. In the circumstances, at the time when the clarificatory letter dated 23.7.1998 was issued the applicant had already been reverted and, therefore, that letter will not assist him. This OA has been filed on 7.12.1999 and therefore, it also suffers from laches and delay and is barred under the provisions of Section 21 of the Administrative Tribunals Act,1985.

6. In the result for the reasons given above, the OA fails and is dismissed.No order as to costs.



(Govindan S.Tampi)  
Member(A)



(Smt.Lakshmi Swaminathan)  
Vice Chairman(J)

sk