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N THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA NO. 1768/88

DATE OF DECISION: 11.12.1991

SHRI A.K. SEN

APPLICANT

VERSUS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

CORAM:

THE HON'BLE MR. JUSTICE RAM PAL SINGH, VICE CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANT

APPLICANT IN PERSON

FOR THE RESPONDENTS

SHRI P.H. RAMCHANDANI,

SENIOR COUNSEL

(JUDGEMENT OF THE BENCH DELIVERED BY

HON'BLE SHRI I.K. RASGOTRA, MEMBER (A)

Shri A.K. Sen, Deputy Director General (DDG), Department of Posts has filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking relief against Order No. 1-53/84-SPG dated 24.11.1986 promoting respondents No. 3 to 21 to Senior Administrative Grade, Level I (SAG-I) in the Indian Postal Service, Group 'A' to the exclusion of the applicant. He has further challenged the order No. 1/60/86-SPG dated 9th October, 1987 rejecting his representation dated 6th January, 1987 for restoration of his position in the seniority list for promotion to the post of SAG-I, Group 'A'.

2. The applicant joined the Indian Postal Service on 21.11.1957 and ultimately was promoted to SAG-II. The SAG, prior to 1.1.1986 had posts in the level-II - Rs. 2250-125/22500 and in Level-I - Rs. 2500-3000. The applicant reached the maximum of Level-II in 1983 and stagnated for two years. Although there were vacancies in 1983 and 1984 arisen due to normal attrition the DPC was convened only in December, 1985/January, 1986, for promotion to SAG Level I for filling up 15 vacancies (1984 -1; 1985 -7; and 1986 - 7). The DPC, however,

prepared a panel of 22 names for placement in SAG Level I. Apparently the ACC approved only 14 Level II officers for placement in Level I in November, 1986. Besides there were 5 officers on deputation, who were given the benefit of Next Below Rule. The applicant was not placed in the list of SAG Level-I, although respondents No.3 to 21, who are junior to him were placed in the select list. In the meantime, the Fourth Pay Commission recommended merger of SAG Level II and Level I and the said recommendation was accepted by the respondents on March 13, 1987 with retrospective effect from 1.1.1986. With the integration of the SAG Level II and SAG Level I from 1.1.1986, the orders issued by the respondents dated 24th November, 1986 became non-effective and should be deemed to be non-est. With the result, the applicant automatically should get placed in the integrated scale, which replaced SAG Level I and Level II w.e.f. 1.1.1986.

3. We have heard the applicant in person and Shri P.H. Ramchandani, Senior Counsel for the respondents. The applicant submitted that his case is on all four with that of **Shri V.K. Seth Vs. UOI & Ors. - OA No. 731/88 decided on 1st July, 1991.** The issues of law and fact in the present case are absolutely identical to the issues of law and fact decided in **Shri V.K. Seth V. UOI & Ors (supra).** In fact the applicant herein is also aggrieved by the same impugned order dated 24.11.1986 which was impugned in **Shri V.K. Seth (supra)** case. The applicant, therefore, prayed that the benefit of the judgement dated 1st July, 1991 in OA 731/88 be extended to him also. This submission of the applicant was not disputed by the respondents. As the case is fully covered by our decision in **Shri V.K. Seth V. UOI & Ors. (supra)**, where we quashed the impugned orders dated 24.11.1986 and 9.10.1987, we have no hesitation in

extending the benefit of the judgement dt. 1.7.1991 in **V.K. Seth v. UOI (supra)** to the applicant herein.

We, therefore, order and direct that the inter-se seniority of the applicant in SAG Level II shall remain undisturbed as on 1.1.1986 when SAG Level-II and SAG Level-I were integrated and replaced by a single scale of pay. The petitioner ^{Sherif} will, therefore, be entitled to be fixed in the integrated scale w.e.f. 1.1.1986. He shall also be entitled to consequential benefits. We order accordingly.

The OA is disposed of as above, with no orders as to costs.

Signature
(I.K. Rasgotra)
Member (A) 11/12/91

Signature
(Ram Pal Singh)
Vice Chairman

/SSM/