

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

OA-669/88

DATE OF DECISION

27-8-1993

<p>Petitioner</p> <p><u>Smt. Madhuri Devi & Ors</u> <u>None</u></p>	<p>Advocate for the Petitioner(s)</p> <p><u>None</u></p>
<p>Versus</p> <p><u>U.O.I. & Ors through Secretary</u> <u>Ministry of Communication, Deptt. of</u> <u>Postal Services.</u></p>	
<p>Respondent</p> <p><u>None</u></p>	
<p>Advocate for the Respondent(s)</p>	

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The Hon'ble Mr. I.K. Rasgotra, Member(A)

The Hon'ble Mr. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)

(Delivered by Sh. I.K. Rasgotra, Member(J))

Neither the petitioner nor his counsel was present.

None represented the respondents. As this matter figured at serial No.2 in the first ten cases posted ⁱⁿ for peremptorily for final hearing in the cause list. We proceed to dispose of the OA after perusal of the pleadings. *in* *in* *in*

Smt. Madhuri Devi, Sh. Prem Dass, Mr. Gajendra Singh and Majister Maajee have filed this application seeking the

following reliefs:-

1. Respondents be directed to absorb the petitioner as Postal Assistant from the year 1984-85 in their respective Units.

2- Respondents be directed to assign them top seniority above those who completed their training in the year 1988.

2. Petitioners 1 and 4 are working as Stamp Vendor while petitioners No 2 and 3 are employed as Postman in the office of the respondents. They were selected for promotion as Postal Assistant. Their grievance arose as inspite of their selection and inclusion in the panel they have not be absorb as Postal Assistant due to certain changes in the personnel policy of the Department. The position has been clarified by the respondents in their counter affidavit. They have stated that the departmental examination for promotion to the post of Postal Assistant (P.A.) was scheduled to be held on 30-10-83 and the numbers of vacancies to be filled in each unit were also announced on 23.9.1983. The result of the examination held in response to the notification dated 27-6-1983 was declared on 4.4.1984. The applicants were not declared successful in the said examination. The number of vacancies to be filled up in Rame sh Nagar, Head Office was 11. Only LGOs of that unit were declared sucessful. They were accordingly promoted. Thus left 5 vacancies of PAs unfilled in the Rame sh Nagar, Head Office. Out of the candidates who were declared successful on 4.4.84. In order to filled up the remaining vacancies of Rame sh Nagar, Head Office supplementary result was declared giving chance to LGOs of other units forfilling up the vacancies of Rame sh Nagar Post Office as such LGOs had not come on merit against the vacancies declared for the units

to which they actually belonged. This was done after obtaining their consent and clearly informing them that they would not be eligible for repatriation to their parent unit for 5 years. According to the supplementary result declared on 6.8.84, the applicant Sh. Gagendra Singh Rawat belonging to Lodi Road post office and Smt. Madhuri Devi, Prem Dass and Majister Maajee belonging to Delhi G.P.Os were declared successful and allotted to Ramesh Nagar, Head Office for appointment against the vacancies of PAs that had remained unfilled. Meanwhile the position changed and "time bound one promotion" scheme effective on 30.11.83 was introduced. According to the scheme 15% posts in the supervisory cadre and 5% in the cadre of postal assistant were surrendered. Consequently petitioners could not be absorbed as Postal Assistants. They were kept on the waiting list. No examination was also held for promotion in the years 1984, 1985, 1986 and even in 1987 and 1988 for Ramesh Nagar, Head Office, as no vacancy was available there. To mitigate the hardship of these officials, the position was reviewed at the end of 1986. It was decided to reallocate the petitioners to units other than to their respective parent unit on 26.4.1988. Accordingly the applicant No.2 on re-allotment to Parliament Street, Head Office was appointed as Postal Assistant on 12.5.1988. The remaining applicants who were re-allotted to Foreign Post Office, were for induction training at Saharanpur w.e.f. 27.6.1988 and have been given regular appointment w.e.f. 26.8.88 or 31.8.1988 on their successful completion of training. This training was

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necessary as work in Foreign post office is different and requires special training which is distinct from the one required for working as Postal Assistant.

3. Respondents have also confirmed that the applicant will rank senior to the LGOs declared successful in the examinations held for other units in 1987 and 1988. Thus their grievance in regard to the seniority no longer subsists.

4. Petitioner have filed rejoinder on the basis of the position explained by the respondents as above.

5. We have carefully considered the material on record. It is clear from the counter affidavit filed by the respondents that the petitioners could not be absorbed as Postal Assistant as they were to be appointed in Ramesh Nagar, Head Office as per their consult against 5 unfilled vacancies in that Unit. Their appointment was overtaken by the introduction of " time bound one promotion" scheme. The said scheme resulted in the shrinkage of cadre of Postal Assistants to the extent of 5%. However, to mitigate the hardships of the petitioners, they have been re-allocated to other units and appointed as Postal Assistant May/August, 1988. The respondents have also confirmed that petitioners have been assigned seniority above to those who were declared successful in the examination held in the year 1987 and 1988 for various units (including Ramesh Nagar, Head Office). The

petitioners have thus not only been promoted as Postal Assistant but have also been assigned seniority above those who qualified in the examinations held subsequent to the one in which they qualified.

6. In view of the above facts and circumstances of the case, in our opinion the petitioners grievances do not survive any longer and no interference is called for in the matter.

7. The O.A. is disposed of as above. No costs.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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