

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

(6)

OA NO. 1192/2004

This the 19<sup>th</sup> day of November, 2004

HON'BLE MR. JUSTICE M.A. KHAN, VICE CHAIRMAN (J)  
HON'BLE MR. S.A. SINGH, MEMBER (A)

Sh. M.C. Saxena,  
S/o Sh. M.P. Saxena,  
Aged about 58 years,  
R/o Avadhpu Colony, Subash Nagar, Bareilly,  
And working as HRO, RMS, B.L.Division,  
Bareilly.

(By Advocate: Sh. S.S. Tiwari)

Versus

1. Union of India, through Secretary,  
Department of Posts, (and also the D.G. of Posts),  
Ministry of Communications,  
Dak Tar Bhawan, New Delhi.
2. Member (P),  
Postal Service Board,  
Department of Posts,  
Ministry of Communications,  
Dak Tar Bhawan,  
New Delhi.
3. Chief Postmaster General,  
U.P. Circle,  
Lucknow.

(By Advocate: Sh. N.S. Mehta)

ORDER (ORAL)

By Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)

The short question that arise for determination in this case is whether the applicant who has cleared the qualifying examination for promotion from the post of Sorting Assistant to LSG cadre against 1/3 quota should rank senior to those Sorting Assistants who had cleared the qualifying examination for promotion to the cadre of LSG in a subsequent year.

2. At the hearing, it has been pointed out that applicant has been able to lay his hands on the DO letter dated 16.10.2003 which was addressed by the Minister

*M. A. Khan*

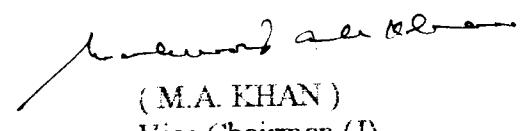
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Disinvestment Communications Information Technology to the Minister of State for Labour and Parliamentary Affairs, Shram Shakti Bhawan and another DO letter dated 9.9.2003 sent by Minister of State for Communications & Information Technology to Minister of State for Labour, Government of India which indicated that his claim for ranking senior to those who have cleared the written qualifying examination in the later year has been rejected. Applicant also referred to the copy of the communication received by him from the Office of Superintendent, RMS 'SH' Division, Saharanpur which is reply of ADPS (Mails) addressed to PMG, Dehradun which shows that the representation made by the applicant regarding the claim of seniority was rejected. The counsel for applicant has also submitted that after the rejection of the representation of the applicant by the Chief Post Master General the applicant had submitted a representation to the Member (Personnel), Postal Service Board on 13.1.2001 and this representation is still under consideration of the respondents and no decision thereon has been communicated to him as yet. Counsel for respondents has submitted that no decision has been taken by the respondents on this representation.

3. In totality of the facts and circumstances, we refrain from expressing our view on the merit of the case pleaded by the applicant and dispose of the OA at this stage with the direction to the respondents to decide this representation of the applicant dated 13.1.2001 (Annexure-G to the OA) by a reasoned and speaking order within a period of three months from the date the order is communicated and communicate it to the applicant immediately. We leave the parties to bear their own costs.

  
(S.A. SINGH)  
Member (A)

'sd'

  
(M.A. KHAN)  
Vice Chairman (J)