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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1716/92

New Delhi: this the 29th September, 1997.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri A. R. Sundrani,
S/o Late Shri Arjun Dass Sundrani,
retired Deputy Superintendent RMS
Lucknow,

R/o at Delhi

C/o J. R. Sundrani,

CP-121 Maurya Enclave,
Pitampura,
Delhi - 34

.... Applicant.

(By Advocate: Shri Sant Lal)

Versus

Union of India through
the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi - 01

2. The Director General,
Department of Posts,
Dak Bhawan,
New Delhi- 01.

3. The Chief Postmaster General,
UP Circle,
Lucknow-226001

..... Respondents.

(By Advocate: Shri S.M. Arif)

JUDGMENT

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns order dated 16.4.92
(Annexure-A1) rejecting his representation
against reversion from Grade 'A' to Grade 'B'
and a declaration that his reversion and
subsequent orders of promotion under impugned
orders dated 21.3.86, 17.6.86 and 5.2.87 are
illegal and that he continued to have officiated

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till the date of his superannuation i.e.

31.3.88 with consequential benefits.

2. Admittedly applicant was put to officiate in Sr. Time Scale of Indian Postal Service Group 'A' on purely temporary and adhoc basis by Circle Level Arrangement on the post of SSPD Deoria and SSRM 'G' Division Gorakhpur w.e.f. 19.3.84 and 23.3.85 respectively. Meanwhile pursuant to Dept. of Posts' order dated 24.2.86 making officiating arrangements on regular basis, the local adhoc and temporary arrangement at Circle Level was terminated and a regular incumbent was posted as SSRM 'G' Division Gorakhpur vice applicant vide order dated 20.3.86 and applicant was relieved from that charge on 31.3.86.
3. Respondents do not deny that after applicant's reversion, a person junior to him namely one Shri Tribhuvan Singh was promoted on temporary and adhoc basis in STS of IPS Group 'A' on occurrence of vacancy on 6.10.86, but state that applicant could not be promoted due to pendency of disciplinary proceedings against him. In para 4.17 of respondents' reply, respondents state that a vigilance case was pending against him as per report dated 28.1.87 from vigilance section and the charge sheet under Rule 14 CCS (CCA) Rules was served on him dated 17.3.88. Applicant retired on superannuation on 31.3.88.

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4. Manifestly when applicant's junior Shri Tribhuvan Singh was promoted to STS IPS Group 'A' on adhoc basis on 6.10.86 no vigilance report against applicant appears to have been received and neither had the charge sheet been issued to him. Under the circumstance applicant's case could not have been denied consideration for promotion to Sr. T.S of IPS Group 'A' w.e.f. 6.10.86 when his junior Shri Tribhuvan Singh was promoted.
5. In the result, this OA succeeds and is allowed to this extent that respondents should consider applicant for promotion on temporary adhoc basis to STS of IPS Group 'A' w.e.f. 6.10.86 and if he is otherwise found suitable, give him notional adhoc promotion as such with effect from that date without benefit of arrears of pay, but with refixation of pensionary benefits including arrears of such pensionary benefits. Respondents to implement these directions within 3 months from the date of receipt of a copy of this judgment. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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