

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

A. 24-8-1992

OA No.845/92

Bal Kishan Sharma-II & ors. ... Applicants

versus

Union of India through
Secretary, Min. of Communications,
Deptt. of Posts & anr. ... Respondents.

CORAM: THE HON'BLE SH.T.S.OBEROI, MEMBER(J)
THE HON'BLE SH.P.C.JAIN, MEMBER(A)

For the Applicants ... Sh.S.R.Dwivedi, counsel

For the Respondents ... Sh.Jog Singh, Counsel.

JUDGEMENT(ORAL)

(Delivered by Hon'ble Sh.P.C.Jain, Member)

In this OA, filed under Section 19 of the Administrative Tribunals Act, 1985, all the 8 applicants claim to have been appointed as Sorters and are aggrieved by ^{their} non-consideration for promotion to the higher post of L.S.G in the office of the Chief Post Master General, Delhi Postal Circle, New Delhi when 19 Sorters were so promoted in 1968 ^{of} during the period/ strike. They have prayed for the benefits of the same promotion with effect from 1.10.1968 also on the basis of cited judgements.

2. The respondents have contested the OA by filing a reply to which a rejoinder has also been filed by the applicants. We have perused the material on record and have also heard the learned counsel for the parties for final disposal of the case at the admission stage itself.

3. It is not in dispute that promotion to the cadre of L.S.G is to be made on the basis of seniority-cum-fitness. The applicants have not specifically stated that ^{C. any one C.} ~~none~~ of their juniors ^{C.} was promoted with effect from 1.10.1968 to the

C.

aforesaid cadre of L.S.G, or that any of their junior has since been given the benefit of such a promotion from that date in terms of any judgement of the Delhi High Court or of the Central Administrative Tribunal. Similarly, there is no categorical statement of the respondents in their reply that none of the junior to the applicants has been given such a promotion with effect from 1.10.1968; though it is stated that no official junior to the applicants was promoted, vide order issued on 30.9.68 and 15.3.85. In the circumstances, this OA is disposed of with the following directions:-

The respondents are directed to consider the case of the applicants for promotion to L.S.G with effect from 1.10. 1968 if any of their junior in the feeder cadre was promoted to the above grade with effect from that date or with effect from the subsequent date prior to the applicants' own promotion, and in case any of the applicants is found fit in accordance with the rules, he shall be allowed promotion to the cadre of L.S.G. from the date his junior was so promoted with all monetary benefits including consequential benefits thereof. No costs.

Secy 24-8-1992
(P.C.JAIN)
MEMBER(A)

Secy 24.8.92
(T.S.OBEROI)
MEMBER(J)