

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 701/93

26.10.94.

Hon'ble Shri J.P.Sharma, Member (J)

Hon'ble Shri B.K.Singh, Member (A)

1. Surjeet Paul s/o Amar Nath  
r/o BS-19, Shalimar Bath,  
Delhi- 52.
2. KrishanChander Sipalia s/o L/Sh.Kewal Ram,  
R/o 88-155,Shalimar Bagh New Delhi- 59.
3. Ratta Singh Rathi s/o Sn. Sardar Singh Rathi,  
r/o B-200, Mohan Garden, New Delhi-59.
4. Raj Kumar-III s/o Late Mela Ram,  
r/o WZ-100-101, Krishna Puri,  
Near Tilak Nagar, New Delhi- 18.
5. Madan Gopal s/o Shri Ram chand,  
r/o 8-70, Rishi Nagar, Shakur Basti,  
Delhi- 34.
6. Kirpa Ram s/o Sh. Nanak Chand  
r/o SG-663, New Shankar Garden,  
Bahadur Garh, Near Sakti School,  
Distt. Rohtak (Haryana).
7. Jagdish Mittar s/o Sh.Bhagwan Dass,  
r/o 37-C, LIG Flat, Pkt.A, Rampura,  
Delhi- 110 035.
8. Ram Milan s/o Sh. Sahatu,  
XXXXXXXXXXXXX  
XXXXXXXXXXXXX r/ 258/E-18, Sector No. 3,  
Rohini, Delhi- 85.
9. Mahesha Nand s/o Late Bal Ram,  
r/o 773, Sector No. 6, R.K.Puram,  
New Delhi.
10. Smt. Prem Lata Rawat wd/o Late Bishen Singh  
r/o D-14, Moti Bagh-I, New Delhi- 21.

...Applicants

By Advocate:Sh. S.R.Dwivedi.

Versus

1. Union of India through the Secretary  
Dept. of Posts, M.C.Communication,  
New Delhi- 110x001.
2. The Chief Post Master General,  
Delhi Postal Circle, Meghdoot Bhawan,  
New Delhi - 110 001.

...Respondents

By Advocate: Shri Madhav Panikar.

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ORDER ( ORAL )

HON'BLE SHRI J.P. SHARMA? MEMBER 'J).

The applicants No. 1 to 9 were employed in New Delhi Sorting Division while applicant No. 10 is the widow of late Birender Singh who worked as S.A./Inspector RMS. The applicants jointly filed this application for the grant of the relief that they should be given benefit of promotion to L.S.G. w.e.f. 1.10.1968 and similarly the husband of applicant No. 2 be also given promotion with all arrears and pay etc. A notice was issued to the respondents to oppose the grant of the relief and Sh. Madhav Panikar counsel for the respondent pointed out that the applicants are not entitled to the relief as none of the juniors of the applicants was promoted out of turn on the basis of not joining the postal strike and promotion was granted on the basis of being loyal government servant.

The case was taken up for hearing of arguments in his turn on 20th March, 1994 when ~~either~~ none of the applicants or their counsel appeared to press the application. The case was, therefore, reserved for passing an order on 24th October, 1994 purposely that if anybody turns up then the matter can be heard in his presence. It is also because of the fact that there was another two cases of similar nature which were also filed by the same counsel Sh. S.R.Dwivedi. On 24th October, 1994 <sup>NB Shashi Tripathi</sup> Sh. Madhav Gupta appeared as proxy for the applicant's counsel, Sh. S.R.Dwivedi also prayed for time. We adjourned the matter for orders today with the hope that the learned counsel intends to argue the matter on merit, he could be heard and the case may be disposed off.

Shri S.R.Dwivedi appears for the applicants and he does not want to press the application adding that he ~~is~~ has not heard from the applicants for the last one year. <sup>S.</sup> Sh. Madhav Panikar counsel for the respondent pointed out that besides

the application being barred by time, applicants cannot be granted the relief and the similar case stands decided by Principal Bench in OA No. 62 of 1992 by the order dated 8.7.1992 where the relief was not granted. He also referred to another decision in OA No. 1163/93 decided on 26th July, 1993 by the Principal Bench wherein similarly placed person i.e. Smt. Lajwanti whose husband was also in employment prayed for the grant of the relief similar to the present application and the applications were dismissed.

In view of the fact that the learned counsel for the applicants is not pressing the application and the same is dismissed as withdrawn. This will bar the applicants from filing the fresh application on the same cause of action.

  
( B.K.SINGH )  
M(A)

  
(J.P.SHARMA)  
M(J)