

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 1st day of March, 2005.

QUORUM : HON. MR. JUSTICE S. R. SINGH, V.C.

HON. MR. S. C. CHAUBE, A.M.

O.A. NO. 335 of 1998

1. Prabhakar R. Patel, son of Ratan Lal Patel, resident of Sarai Mika, mugra Badshahpur, Jaunpur.
2. Ashok Kumar Tripathi, S/O Hirdai Nath Tripathi, R/O Village & Post Kachwa, District mirzapur.
3. Raj Mani S/O Gajroop, Resident of Village Monai Post Anota, District Allahabad.
4. Vijai Shanker Dube, Son of Bhagwati Prasad Dube, R/O Village Kandui (Lathia) Post Parsipur, District Bhadoi.
5. Moti Lal Mauriya, S/O Shiv Nath Ram mauriya, R/O Village & Post Bangaon, District Azamgarh.
6. Lochai Ram, S/O Mathura Prasad, R/O Village Chavri Post Bilawa, District Jaunpur.
7. Mansoor Ahmad S/O Mahmood Khan, R/O Village & Post Kachwa Bazar, District Mirzapur.
8. Vinod Kumar Sharma S/O Lalit Ram Sharma, R/O Mahuvariya New Colony, Mirzapur.
9. Jawahar Lal Bind, S/O Misri Lal Bind, R/O Sikra Kala, Vijaipur, District Mirzapur.
10. Baggar Ram, S/O Khatai Lal, R/O Harsinghpur Tilthi, District Mirzapur.
11. Vijai Shankar S/O Sita Ram, R/O Sri Patti Mawaiya, Distt. Mirzapur.
12. Chhunni Ram, S/O Dade Ram, R/O Village Bhawanipur Rampur – 38, District Mirzapur.
13. Janardan, S/O Ram Dhani, R/O Patiyan (Aksauli), Pahara, District Mirzapur.
14. Ashok Kumar Mauriya, S/O Ram Baran Mauriya, R/O Ramai Patti, District Mirzapur.

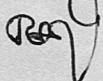
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.....Applicants.

Counsel for applicant : Sri B.K. Srivastava.

Versus

1. Union of India, Ministry of Communications, Department of Posts, New Delhi.
2. Director General, Department of Posts, New Delhi.



3. Chief Post Master General, U.P. Circle, Lucknow.
4. Post Master General, Allahabad.
5. Director, Postal Services, Allahabad.
6. Superintendent, Post Office, Mirzapur Prakhand, Mirzapur.

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.....Respondents.

Counsel for respondents : Sri P. Mathur.

ORDER (Oral)

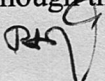
BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri Dheeraj Srivastava, holding brief of Sri B.K. Srivastava, learned counsel for the applicant, Sri P. Mathur, learned counsel for the Respondents and perused the pleadings.

2. The applicants, who are Postal Assistants have instituted this O.A. under Section 19 of the A.T. Act, 1985 for the following reliefs :-

- “a) to allow the present application and to quash the impugned office memos dated 26.7.1991 and 22.7.1993, Annexures 1 & 3 respectively whereby benefit of TBOP scheme has been extended to non-cadre.
- b) to issue suitable direction directing the opposite parties not to award promotion and II promotion to juniors to the applicants in higher pay scale in TBOP scheme and that too without completing 16 and 26 years regular service in any case earlier to their seniors i.e. the applicants.
- c) to issue suitable direction to the opposite parties to promote the applicants in next higher pay scale from or before the date of the promotion of their juniors i.e. 28.10.1994 along with consequential benefits as admissible under law.
- d) to award any other and further relief which this Hon’ble Tribunal may deem fit and proper on the facts and in the circumstances of the case in favour of the applicants.”

3. Sri Dheeraj Srivastava stated at the very outset that he has instructions not to press the O.A. in respect of the first relief which seeks quashment of impugned office memos dated 26.7.1991 and 22.7.1993 whereby the benefit of time bound one promotion scheme has been extended to Saving Bank Control Organisation staff. The O.A. is pressed only in relation to the rest of the reliefs quoted above and it has been submitted by learned counsel that juniors to the applicant have been given the benefit of time bound one promotion scheme even though they do not fulfill the qualifying service of 16 years whereas

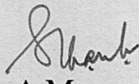


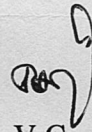
the benefit of the scheme has been denied to the applicants who have completed the requisite length of service and fulfill other pre-requisite conditions for grant of benefit under the scheme. Shri P. Mathur, learned counsel for respondents, on the other hand submits that particulars and details of such juniors have not been mentioned and they have not been impleaded in the O.A. and, therefore, it would meet the ends of justice that if the O.A. is disposed of with a direction to the applicants to represent their case before the Competent Authority, who shall decide the representation by means of a reasoned and speaking order.

4. Having heard counsel for the parties and upon being regard to the nature and controversy involved in this case, we are of the considered view ~~that~~^{that} it would meet the ends of justice ~~that~~^{if} if the O.A. is finally disposed of with a direction that in case the applicants file joint representation for redressal of their grievances, the Competent Authority shall consider the representation and dispose it off by reasoned and speaking order within a period of three months from the date of receipt of a copy of this order along with representation after showing cause to the representation of the opposite party.

5. The O.A. is disposed of in terms of the above direction.

No costs.


A.M.


V.C.

Asthana/