

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 20th day of January, 2005.

Original Application No. 1105 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. S.C. Chaube, Member- A.

Narvadeshwar Tiwari, S/o Sri Ugra Nath Tiwari
R/o Vill. Saunkhor, P.O. Farsand,
Tehsil- Gola, Distt. Gorakhpur.

.....Applicant

Counsel for the applicant :- Sri A.K. Trivedi
Sri Z.A. Azmi

V E R S U S

1. Union of India through the Secretary,
M/o Communication (Post & Telegraph),
New Delhi.
2. Senior Superintendent of Post Offices,
Gorakhpur Division, Gorakhpur.
3. Post Master General, Gorakhpur Region,
Gorakhpur.
4. Sub Divisional Inspector (Post Offices),
Sub Division- Kaudiram, Gorakhpur.

.....Respondents

Counsel for the respondents :- Sri Saumitra Singh

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.


The applicant, ²retired GDS employee, seeks issuance of a direction to the IIIrd respondent to treat the applicant as promoted to Group 'D' post against 1993 vacancy and to grant pensionary benefits accordingly.

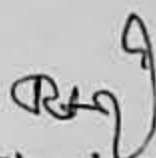
2. Learned counsel for the applicant has placed reliance on orders dated 03.10.2003 and 01.08.1995 (Annexure- 4) which show that the applicant was quite eligible for promotion to Group 'D' post against 1993 vacancy. He was wrongly denied

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promotion on the ground of being over aged. The fact situation of the case is that the P.M.G, Gorakhpur Region, Gorakhpur in his order dated 01.08.1995 directed that the applicant be adjusted against Group 'D' cadre in the next available vacancy subject, of course, ¹⁵ the verification that 'no D.P/fraud/loss case was/is pending' against the applicant. The applicant was retired vide memo dated 29.02.2003 on completion of superannuation age of 60 years. That, in our opinion, would not ² affect the rights already acquired by him in view of the order dated 01.08.1995. Learned counsel for the respondents also admits that the applicant ought to have been promoted in Group 'D' cadre as against the 1993 vacancies. The respondents have also admitted in their CA that the applicant has been illegally denied promotion due to the promotion of CP Chowkidars in the year 1993 which promotion was subsequently cancelled being illegal and, therefore, the applicant ought to have been promoted to the Group 'D' cadre.

3. For the reasons aforestated the O.A is allowed and the respondent No. 3 is directed to give effect the orders dated 03.10.2003 and 01.08.1995 by giving notional promotion to the applicant with effect from due date and take appropriate decision with regard to the claim of pensionary benefits to the applicant within a period of 4 months from the date of receipt of a copy of this order. No costs.


Member - A.


Vice-Chairman.

/Anand/