

Central Administrative Tribunal
Allahabad Bench,

M.A. No.1700/2005 In
R.A. No.32/2005 In
O.A. No.1433/2004

Allahabad this the 8th day of ^{Aug} ~~July~~, 2005.

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri A.K. Bhatnagar, Member (J)

Swatantra Babu Sharma
S/o Raghu Nandan Prasad Sharma,
C/o Haribans Kumar Saxena, Advocate
Mohalla Adarsh Nagar, Gali No.3,
Budaun Presently posted as SPM,
Police Line, Budaun, U.P.

-Applicant

Versus

1. Union of India
through Secretary,
Ministry of Communication,
Department of Posts, Sanchar Bhawan,
New Delhi.
2. The C.P. M.G.
Department of Posts, U.P. Circle,
Lucknow.
3. The Post Master General,
Bareilly Zone,
Bareilly.
4. The Supdt. Of Post Offices,
Budaun Division, Budaun.
5. The Post Master,
Budaun, Head Post Office,
Budaun.

-Respondents

ORDER(By Circulation)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)


Through this application, review of orders dated 31.3.2005 in OA-1433/2004 has been sought. It has been stated that while the applicant had sought grant of T.B.O.P. promotion on completion of 16 years w.e.f. 24.1.2000, the Tribunal has wrongly granted the same w.e.f. 16.10.2001 treating applicant's regular service w.e.f. 16.10.1985. It has also been contended that Annexures RA-2 to 21 be taken into consideration as proof that applicant had been

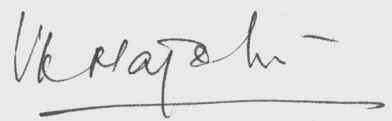
regularized w.e.f. 24.1.1984 and as such he should have been held entitled for T.B.O.P promotion w.e.f. 24.1.2000. It is further claimed that no recovery can be effected from the applicant if applicant's regularization is recognized from 24.1.2000^{1/2} and TBOP promotion granted ^{1/2} 16 years thereafter. ^{1/2}

2. We have considered the ground raised in the review application and also perused carefully the records of OA-1433/2004 as also the contents of our orders dated 31.3.2005.

3. It is clear from the records of the OA that the applicant has not been able to bring out any error of fact or law in the review application. It has been admitted by the learned counsel of applicant that 'the applicant started working on regular basis w.e.f. 16.10.198^{-5.}_{1/2} therefore, he ought to have been granted T.B.O.P. promotion w.e.f. 16.10.2001 and not from 23.6.2003'. The documents Annexures RA-2 to RA-21 to establish that applicant had been in regular service w.e.f. 24.1.1984 onwards were not placed on record by the applicant in the OA. These documents were in possession of the applicant and it is not established here that applicant had exercised due diligence yet he was not able to produce these documents in the OA. The production of these documents with the review application, therefore, is of no consequence. Admission on behalf of the applicant regarding applicant's regular service w.e.f. 16.10.1985 formed the basis of our considered view that applicant should have been granted T.B.O.P. promotion w.e.f. 16.10.2001 and not from 23.6.2003. As no proof had been furnished on the part of the applicant at the appropriate time in the OA that he had started working on regular basis prior to 16.10.1985, we do not find any good ground for reviewing our findings and the orders dated 31.3.2005. The review petition, therefore, is dismissed having no merit *in circulation.* ^{1/2}

4. MA-1700/2005 seeking stay of Tribunal's orders dated 31.3.2005 is also dismissed.


(A.K. Bhatnagar)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

cc.