

(O.A.) (2)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 3rd day of August, 2005.

Original Application no. 850 of 2005

HON'BLE MR. D.R. TIWARI, MEMBER(A)
Hon'ble Mr. K.B.S. Rajan, Member (J)

Ganga Narain Misra, S/o Sri Daya Nand Misra, EDMP,
Branch Office Raipalpur, District Kanpur Dehat.

...Applicant

By Adv : Sri S.K. Bahadur.

V E R S U S

1. Union of India through its Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Chief Postmaster General, U.P. Circle, Lucknow.
3. Post Master General, Kanpur Region, Kanpur
4. Superintendent of Post Offices, Kanpur (M) Division, Kanpur.
5. The Sub-Divisional Inspector (SDI), Posttal Sub Division, Rura, Kanpur Dehat.

....Respondents

By Adv : Sri Saumitra Singh.

O R D E R

By D.R. TIWARI, MEMBER(A)

The O.A. has been directed against impugned order dated 6.4.2004 by which applicant has been denied promotion to the post of Postman. The impugned order is detailed one and in its, the respondents have given reasons for rejecting his request. The reasons are as under:-

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- (i) "Promotion in postman cadre under 25% seniority quota and Group 'D' cadre could not be made as there was ban imposed by the Ministry of Finance on 5.8.1999 to fill up the vacancies. Hence, DPC for the purpose could not be convened. Vacancies for the recruitment only cleared in the year 2002. Meanwhile, he attained the age of 50 years.
- (ii) Instructions cited provides holding of DPC for promotion to Group 'D' as per prescribed schedule but DPC could not be convened due to imposition of ban as a policy decision taken by the Government. Before clearance of vacancies received, the applicant attained the prescribed age limit. Therefore, there is no fault of administration.
- (iii) There was ban imposed in recruitment against Group 'C' and 'D' posts, therefore, question of convening DPC and preparation of select list does not arise.
- (iv) The applicant cannot be considered for promotion on the ground that he is senior and fulfilling required qualification. He has attained 50 years of age prescribed for promotion there, he is not eligible for promotion and his name cannot be considered/recommended for promotion.
- (v) Since the applicant has attained the age prescribed for the promotion, therefore, willingness offered is in material cannot be considered.

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In view of above, the promotion of the applicant cannot be considered under Group 'D' cadre and postman cadre under 25% seniority quota. Relaxation in age can also not be granted as there is no provision in recruitment rules. Plea of the applicant that he crossed prescribed age due to administrative reasons is also not tenable because the recruitment could not be held due to policy decision taken by the Government and these decisions are adhered to by the administration. Therefore, there is no scope to consider the required of the applicant, accordingly the representation is rejected."

2. In view of what has been stated above, we find that the order passed by the respondents is valid and legal. It is also not the case of the applicant that similarly situated officials have been promoted and as such the O.A. is devoid of merits and is accordingly dismissed. No costs.


MEMBER-J


MEMBER-A

GIRISH/-