

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00433/2019

With

Misc. Application No. 040/00028/2020

Date of Order: This, the 23rd Day of March, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Raj Kumar Biswanath Singh
Son of Late R.K. Bimal Singh
Post Master General
Assam Circle, Guwahati, Assam
Govt. of India, Ministry of Communications
Department of Posts
Panbazar, Guwahati – 781001.

... Applicant

By Advocate: M. Chanda, U. Dutta & K. Abhinaba

-Versus-

1. The Union of India
Represented by the Secretary
To the Govt. of India
Ministry of Communication
Department of Posts, Dak Bhawan
Sansad Marg, New Delhi – 110001.
2. Director Staff
Govt. of India, Ministry of Communication
Department of Posts (Personnel Division)
Dak Bhawan, Sansad Marg
New Delhi – 110001.

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3. Shri Amitabh Kharkwal
IPOS, Office of the Secretary
To the Govt. of India
Ministry of Communication
Department of Posts, Dak Bhawan
Sansad Marg, New Delhi – 110001.

...Respondents

By Advocate: Sri A. Chakraborty, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, MEMBER (J):



By this O.A., applicant makes a prayer for a direction upon the respondents to modify the impugned order of transfer and posting on promotion to the post of Chief Post Master General (CPMG in short) issued vide impugned order dated 06.12.2019 accommodating the applicant in the vacant post of CPMG in Assam Circle, Guwahati, Assam.

2. Heard Sri M. Chanda, learned counsel for the applicant and Sri A. Chakraborty, learned Addl. CGSC for the respondents, perused the pleadings and documents enclosed with the OA.

3. The matter to be decided in a narrow campus inasmuch as the applicant has made only for

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modification of the order dated 06.12.2019 by which he was promoted to the post of Chief Post Master General, Assam Circle, Guwahati and sought to be posted at Chhattisgarh as Chief Post Master General. Said order dated 06.12.2019 says that posting made to the Chhattisgarh Circle of the applicant due to 'on request'. Undisputedly, applicant did not make any request for posting at Chhattisgarh Circle from Guwahati Circle. Vide order dated 06.09.2019, applicant was posted as Post Master General (PMG in short), Assam Circle, Guwahati from Barielly Region as PMG. It is also admitted by Sri A. Chakraborty, Addl. CGSC for the respondents that the post of CPMG at Assam Circle, Guwahati was felt vacant at that time when the applicant was promoted as CPMG and sought to be posted at Chhattisgarh Circle vide order dated 06.12.2019. It is noted that the respondent authorities without posting the applicant at Guwahati Circle as CPMG in available vacant post, posted him at Chhattisgarh Circle that too within a span of 5 days of his joining on 02.12.2019 as PMG at Assam Circle,

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Guwahati. The said post of PMG of Assam Circle, Guwahati was upgraded to CPMG vide order dated 15.09.2020 during the service rendered by the applicant as PMG.



4. The grievance arose to the applicant that though he was promoted vide order dated 06.12.2019, he was not been accommodated as CPMG, Assam Circle, Guwahati, as such, the applicant prays for antedating promotion w.e.f. 06.12.2019 on which date he was promoted from Senior Administrative Grade to Higher Administrative Grade i.e. PMG to CPMG.

5. Sri A. Chakraborty, learned Addl. CGSC appearing for the respondents however, submitted that the period in which the applicant has not worked as CPMG, Assam, additional charge of CPMG, Assam (Statutory Powers) was assigned to CPMG, NE Circle and if this Court passes orders for ante-dating of promotion of the applicant, the orders passed by CPMG, NE Circle i.e. private respondent No. 3 (Sri Amitabh Kharkwal) will be affected having no logical stand.

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6. From the submissions made by Sri A. Chakraborty, Addl. CGSC that on being instructed by the respondent department, it is candid clear that while the applicant was posted at Assam Circle, Guwahati as PMG and on being promoted vide order dated 06.12.2019, the post of CPMG, Assam Circle, Guwahati was available. It is noted that later on, vide order dated 15.09.2020, the applicant was accommodated as CPMG, Assam Circle, Guwahati despite being promoted to the post of CPMG in the Higher Administrative Grade on 06.12.2019. Basing on the above facts and circumstances, the applicant claims for antedating promotion w.e.f. 06.12.2019 as CPMG. Hence we have not appreciated and accepted the claim made by Sri A. Chakraborty, Addl. CGSC for the respondents.

7. Keeping in view of the above, we hold that the applicant has rightly made his claim for modification of the impugned order of transfer and posting on promotion dated 06.12.2019, so far it relates to the applicant. Accordingly, we hereby direct the

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respondent authorities to give promotional effect to the applicant in the post of CPMG from the date on which his juniors have been promoted and joined.

8. With the above directions, O.A. stands disposed of at the admission stage itself.

9. In view of the disposal of the O.A. No. 040/00433/2019, M.A. No. 28/2020 which was filed for vacation of the interim order dated 20.12.2019 has become infructuous and accordingly, same is hereby dismissed.

10. No order as to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB

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