

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

Original Application No. 79/2021

(Through Video Conferencing)

This, the 12^h day of August, 2021

HON'BLE MS. JASMINE AHMED, MEMBER (J)
HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)

Mohd. Irfan, aged about 62 years, S/o Sri Ali Abbas, R/o ED
421 Sector Q, Aliganj, Lucknow

....Applicant

By Advocate : Sri Dharmendra Awasthi



Versus

1. Union of India, through the Secretary, Ministry of Communication, Department of Posts, Government of India, Dak Tar Bhawan, New Delhi.
2. The Chief Postmaster General, U.P. Circle, Lucknow.
3. Senior Superintendent of Posts Offices, Lucknow Division, Lucknow
4. Assistant Superintendent of Post Offices, North Sub-Division, Lucknow.

....Respondents

By Advocate : Ms Prayagmati Gupta

ORDER (ORAL)

BY MS. JASMINE AHMED, MEMBER (J)

By means of this O.A., the applicant has sought a direction upon the respondents to consider and promote him in the MTS cadre from due or atleast from the date next person junior to him has been

considered and promoted in the cadre of MTS with all consequential benefits

2. The case of the applicant is that he was initially appointed as Contingent Paid Chowkidar w.e.f. 18.1.1983 at Lalkuan Post Office, Lucknow. He was granted temporary status w.e.f. 29.11.1989. It is pleaded that pursuant to temporary status having been granted to the applicant, he was treated to have been governed under the Rules and instructions contained in D.G. Posts communication having completed 240 days during one year commencing from 29.11.1989 wherein the name of the applicant finds place at sl. No. 6. It is also averred that vide order dated 17.12.1992, all the Heads of Postal Circles under CPMG, U.P., Lucknow were informed that all casual labourers under the category temporary status, who have successfully completed three years' service would be treated at par with Group 'D' employees and they would also be entitled to such benefits as were admissible to Group 'D' employees on regular basis, in which the name of the applicant has been shown at sl. No. 5 (Annexure no.4). The applicant has been provided all the benefits as was made available to MTS employees, but the claim of the applicant for grant of promotion in the cadre of MTS has not been considered. The applicant retired from service on 31.1.2018 on attaining the age of superannuation from the post of Group 'D' having attained the status of temporary stats. It is also the case of the applicant that juniors to him have been considered and promoted in



the cadre of MTS, but the claim of the applicant has not been considered. Therefore, he preferred a representation dated 15.9.2017 for grant of same benefit as has been granted to his counterparts before his retirement, but the same did not bring any fruitful result.

3. In the meanwhile, O.A. No. 308 of 2017 in re. Ramesh Chandra Bajpai Vs. Union of India & Others having the same controversy as involved in the present case, was allowed by this Tribunal vide judgment and order dated 21.10.2020 by directing the respondents, therein, to finalize the promotion of the applicant and grant him all consequential benefits of such promotion including arrears of pay and allowances.



4. On coming to know the aforementioned judgment, the applicant again preferred a representation dated 12.7.2020 to the respondent no.3 claiming promotion in the cadre of MTS by specifically stating that his junior has been considered and promoted in the cadre of MTS by ignoring his claim with a request to consider his claim for promotion in the cadre of MTS from due date or atleast from the date next person junior to him has been considered and promoted on the post of MTS. The said representation, according to the learned counsel for the applicant, has not yet been decided and the same is lying pending with the respondents for consideration.

5. At this stage, learned counsel for the applicant states that the applicant would be happy and satisfied

if a direction is being given to the competent authority/respondent no.3 to consider and decide the pending representation of the applicant dated 12.7.2020 (Annexure no. 7) in the light of ratio laid down in the judgment and order dated 21.10.2020 passed by this Tribunal in O.A. no. 308 of 2017, referred to above, by passing a reasoned and speaking order within a time bound manner, to which the learned counsel for the respondents has no objection.



6. In view of the innocuous prayer made by the learned counsel for the applicant, this O.A. is disposed of finally at admission stage itself, without going into the merits of the case, with a direction to the competent authority/respondent no.3 to consider and decide the pending representation of the applicant dated 12.7.2020 (Annexure no. 7) in the light of ratio laid down in the judgment and order dated 21.10.2020 (supra) within a period of two months from the date of receipt of certified copy of this order by passing a reasoned and speaking order under intimation to the applicant.

7. In view of the above, the O.A. stands disposed of with the aforesaid terms. There shall be no order as to costs.

(A.MUKHOPADHAYA)
MEMBER (A)

(MS. JASMINE AHMED)
MEMBER (J)

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