

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

O.A. No..675/86

Munnalal Verma ... Applicant

Vs.

Supdt. Posts, Etah ... Respondents.

Hon Mr. Justice U.C. Srivastava, V.C.
Hon Mr. K. Obayya, A.M.

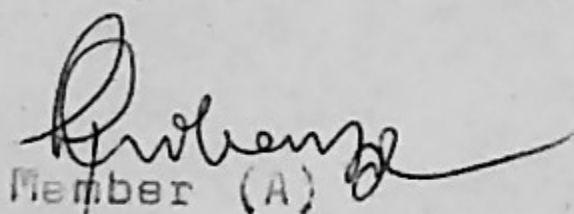
(By Hon. Mr. Justice U.C. Stivastava, V.C.)

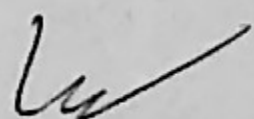
The applicant was working as a Postman in the Post Office who failed to get his seniority over one Shri Chandra Shekhar but has been made junior to him with the result of that he has been denied certain benefits. He may be given legitimate promotion and he must be ^{loss} compensated for the ~~loss~~ sustained by him.

According to the applicant, under the time bound ^{introduced} scheme ~~by~~ the Director General of P&T dated 17.12.83 it was laid down that the Head Postman, Sorting Postman and Mail Overseers up to the extent of 10% of the total number of posts in basic cadre ^{in which promotion is} after 5% cut ~~made~~ will be entitled to Rs. 25/- per month as a special allowance. The filling of these posts may be done on seniority. This will apply to 10% of posts in the case of Mail Guards also. 4 Officials in the Head Postman's and allied cadre of Etah Postal Division are entitled for promotion and to draw a special pay of Rs. 25/- per month over and above their normal existing pay and allowances. The Supdt. of Post Office promoted 4 persons to draw the

U. said special allowances ignoring the claim of the applicant. The applicant immediately represented the same. The applicant was asked by respondent No.1 to produce the results which may indicate the facts that he was senior to Shri Chandra Shekhar. According to him he produced the documents even then nothing was done that is why he filed an appeal but failed to get relief even after 17 months, he approached the Tribunal. The respondents have stated that they have reviewed the case of the applicant and according to them it is a combined list of Postman of Etah Division corrected upto 1.1.1982, the name of Shri Chandra Shekhar exists at Sl. No.9 whereas the name of the applicant was at Sl.No. 16. In the gradation list of line overseers of Etah Division corrected up to 30.9.1981, the name of Shri Chandra Shekhar was at Sl.No.2 whereas the name of the applicant was at Sl. No.4, thus according to the respondents, it was Chandra Shekhar who was senior to him and there was no such document indicating the applicant senior to him. In this connection, a reference has also been made to the letter filed by the applicant and a copy of which has been annexed with this application as Counter Affidavit dated 7.8.84 in which it has been stated by him that under one promotion scheme, he was posted to the overseer cadre which was declared as an allowed post. Other 4 seniormost officials which include name of Shri Chandra Shekhar ~~was~~ transferred ~~and~~ ~~was transferred~~ and posted against the allowed post.

In the application he also mentioned that he had submitted his refusal to work ~~on~~ the allowanced post and requested that he may be posted back to the post from where he was transferred. According to the leaned counsel for the respondents, this settles this matter and it is not open for the applicant to agitate any longer that he is senior or he is entitled to 25% allowance as claimed by him. This submission has got to be accepted in the light of the pleadings of the parties from which it is also evident that the applicant is free to make out any plea that he was senior to Shri Chandra Shekher and is entitled to get allowances and in case the allowance had been given to him ^{have} that would/also affected his seniority. In view of the fact that the applicant has not made out any case in regard to his claim, this application has got to be dismissed. and accordingly it is dismissed.
No order as to be costs.


Member (A)


Vice Chairman

smc

Allahabad
dt. 2.7.92