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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1256 of 1986  
(O.S. No.445 of 1985)

Suraj Prasad Srivastava ..... Plaintiff-Petitioner

Versus

Union of India & Another .....Defendants-Respondents.

Hon.Justice Kamleshwar Nath, V.C.

Hon. Mr. K.J. Raman, Member (A)

(By Hon.Mr.Justice K.Nath, V.C.)

Shri R.K. Tiwari for the plaintiff-petitioner and Shri K.C. Sinha for the defendants-respondents are present. The Original Civil Suit No.445 of 1985 which has figured before us under Section 29 of the Administrative Tribunals Act, 1985 was for a declaration that the plaintiff-petitioner was entitled to be granted Selection Grade with effect from 30.11.83. A Counter dated 12.10.87 was filed on behalf of the defendants-respondents, in para 12 of which it was stated that the plaintiff-petitioner's case for time bound one promotion under the concerned scheme could not be considered for want of Service Book and Character Roll file. It was added that the plaintiff-petitioner would be given promotion to the next stage under the time bound promotion scheme as and when the Service Book of the plaintiff-petitioner could be traced out.

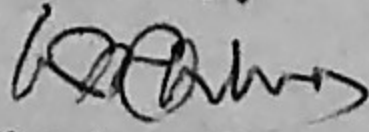
2. On 30.10.87 the plaintiff-petitioner filed a statement in reply to the Counter Affidavit in which the claim was confined to grant of promotion to the next

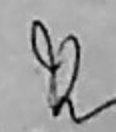


higher cadre on the basis that he had joined Varanasi Postal Division on 22.8.68 and had completed the period of sixteen years by 22.8.84, on the basis of which time bound one promotion could be admissible and that the plaintiff-petitioner's record of service in Varanasi Postal Division is available in that Division. It was stated that on that basis promotion may be allowed to the plaintiff-petitioner even if the original service book may not be available.

3. There has been no rebuttal of this modified claim and Shri K.C. Sinha says that in case the plaintiff-petitioner is otherwise entitled to the promotion to the next higher post under the one time bound promotion scheme, his case will be considered by the Department and he will be given the necessary relief.

4. In these circumstances, we dispose of this petition with the observation that the defendants-respondents shall consider the case of the plaintiff-petitioner for one time bound promotion on the basis of the service rendered by him in Varanasi Postal Division and pass suitable orders for his promotion and other benefits, if any, within a period of three months from the date of the receipt of a copy of this order. Parties shall bear their costs.

  
Member (A)

  
Vice Chairman

Dated the 11th July, 1990.

RKM