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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 636 of 1987

B.P. Sharma

.. .. Applicant

Versus

Union of India and Ors.

.. .. Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

1. The applicant's grievance in this case is that he is senior to one R.L. Misra as per entries extracted from the Circle Gradation list, but the said R.L. Misra has been shown as senior to him in the Circle Gradation list corrected upto 31.12.1985. The applicant and Sri R.L. Misra both were working in Postal Department as Postal Assistants. In the gradation list the applicant's number has been shown at Sl.No. 3509 and that of R.L. Misra as 3688. The applicant entered in service on 28th February, 1975 and the respondent entered in service in July 1st, 1975. The applicant passed the qualifying examination of 1/3rd quota of LSG in the year 1975 while the respondent was qualified the said examination in the year 1976 but after

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correction in the seniority list the applicant's number was shown as 475 and that of the respondent's number was shown as 331 and when the aforesaid error came to the notice of the applicant he made a representation against the same through the Tribunal. The respondents have been disputed the claim of the applicant. It has been stated that the Postal Department vide D.G.P.&T New Delhi Communication No. 6/26/73 SPB II dated 6.8.74 decided to give the due promotion of LSG cadre to Postal Clerks in 1/3rd quota after holding of a ~~young~~ qualified test and only those candidates who qualify in the test should be considered for the selection. The Departmental Promotion Committee will then select the candidates on the basis of assessment of the CRS of these qualified candidates. The applicant passed the test on 30.11.1975 vide D.G.P& T New Delhi Communication No. 29-2/75-SSBD/DE dated 11.3.1976. Shri R.L. Mishra, respondent passed that test held on 13.6.76. The qualified candidates of test of 30.11.1975 for the vacancies of 1975 were approved by the Departmental Promotion Committee for promotion to LSG cadre vide P.M.G. U.P., Lucknow Memo No. STA/12-XA LSG/76/7 dated 3.11.76, but the applicant ^{now} does not find place in that approved memo and as such he was not promoted to LSG cadre. Sri R.L. Misra was approved at serial no.27 of that memo and as such he was promoted to LSG cadre in which he is working since 28.4.78. The applicant was not approved by the Departmental Promotion Committee and he was given chance in the LSG cadre purely on

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adhoc temporary and provisional basis. The applicant was approved by the Departmental Promotion Committee for promotion to LSG Cadre dated 23.9.80 at sl. no.41. The latest position as issued in D.G. P&T No.6/56/77-S.P.B-III dated 10.10.1977 clearly lays down "Once an official has qualified in the examination, he will always be taken as qualified and will not be required to appear again in order to be eligible for consideration for selection by the Departmental Promotion Committee". On the analogy of this change, that even 1/3rd vacancy should be filled in on seniority basis the applicant should have been selected in preference to R.L. Misra. The matter has been reviewed and it has been decided by the Government in partial modification of the instructions referred to above that the 1/3rd selection quota of vacancies in LSG shall be filled in future on the basis of qualifying examination and in order of the seniority from among those who have actually qualified in the examination. The scrutiny of service records shall be made to ensure satisfactory service before permission is granted for appearing in the qualifying examination. The applicant's case was referred to D.P.C but the same was not considered. In view of the direction given by the Director General there ^{was} ~~were~~ no question of requiring the applicant or the respondent to undergo the process of Departmental Promotion Committee and the applicant should have been promoted ⁱⁿ qualifying in the said test and accordingly this application deserves to be allowed in part.

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and the respondents are directed to put the applicant
in his original seniority.

Amosign
Member (A)

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V.C

Dated: 22nd January, 1992:

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