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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 2nd day of Februry 1995.

Original Application no. 58 of 1988.

Hon'ble Mr. S. Das Gupta, Administrative Member.
Hon'ble Mr. J.S. Dhaliwal, Judicial Member

Om Prakash Batra, S/o Late L.H.C. Batra, Deputy
Chief Postmaster Kanpur, Quarter no. 4 Postal Officers
Nawabganj, Kanpur.

... Applicant

C/A Shri A.V. Srivastava

Versus

1. Union of India, through Director General Postal
Department of Communication New Delhi.
2. Post Master General U.P. Circle Lucknow.
3. Additional Postmaster General, U.P. Circle
Kanpur.

... Respondents

C/R Shri N.B. Singh.

O R D E R (Oral)

(Hon'ble Mr. S. Das Gupta, Member-A)

The applicant who was promoted to the
higher selection grade I in August 1981 was promoted
on ad-hoc basis to the post of Post Master in
group 'B' vide order dated 22.02.85. The promotion

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to this post was to be made on the basis of seniority cum fitness. After promulgation of the communication in October 1986, the promotion to this post was to be made after departmental examination. The applicant's grievance is that although he was due for promotion prior to promulgation of the said order and he was senior and fit for promotion, he was allowed to continue on ad-hoc basis and his promotion was not regularised. He has filed the application under section 19 of the Administrative Tribunal Act, 1985, praying for relief of direction to the respondents to regularise his promotion w.e.f. 11.03.1985. It is also prayed that the direction be issued to the respondents not to revert him from the post of Post Master in group 'B' which he was holding at that time.

2. We have heard learned counsel for both the parties and gone through the pleadings in the case.

3. It appears that the applicant has retired shortly after filing of this application and till then he was not reverted from the post of Post Master in group 'B' by virtue of a stay order which was granted at admission stage. During that time he was receiving salary of the higher grade. The only effect of regularisation in the promotion grade

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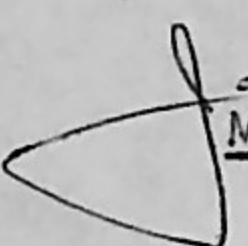
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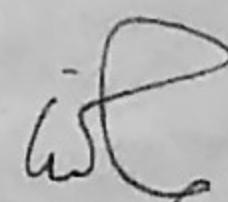
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would have been on seniority in the grade and further promotion. Such consideration are merely academic after the applicant has retired from service. In our view this case has become infructuous on retirement of the applicant, his ad-hoc promotion having been protected till his retirement by virtue of interim order. In view of the forgoing we see no reason to consider the merits of this application and dismiss the same as having become infructuous.


Member-J


Member-A,

/pc/