

Reserved

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

O. A. No. 939 of 1989 DATE OF DECISION : 30-10-96
I. A. No.

- - S. N. Agarwal - - - - - APPLICANT(S)

- - S. H. P. Pandey - - - - - ADVOCATE FOR THE
APPLICANT(S)

V E R S U S

- - Union of India - - - - - RESPONDENT(S)

- - S. P. Mathur - - - - - ADVOCATE OF THE
RESPONDENT(S)

CO R A M

The Hon'ble Mr. T. L. Venka Jy

The Hon'ble Mr. S. Dayal AM

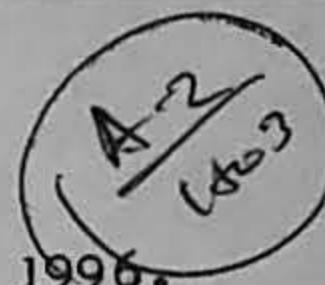
1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Bench ?

(SIGNATURE)

VKP/-

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.



Allahabad this the 30th day of October 1996.

Original Application no. 939 of 1989

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Shiv Narain Agarwal, S/o Late Sri M.L. Agarwal, Cashier,
 Head Record Office, Jhansi, R/o 9/6(3), Prem Ganj Sipri Bazar
 Jhansi.

... Applicant.

C/A H.P. Pandey.

Versus

Superintendent, R.M.S. 'X' Division, Jhansi.

... Respondent

C/R Sri P. Mathur.

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

The applicant has filed this O.A seeking the following reliefs:-

- i. a direction to the respondents to allow the applicant to complete his tenure on the post of cashier as per rules
- ii. a direction to the respondents not to hold the proposed selection for the post of cashier till the completion of applicant's tenure.

// 2 //

2. The facts of the case as stated in the application are that the applicant was working as a Sorting Assistant under time bound one promotion scheme. By communication on 3-2/85, S.P.B-II dated 14.12.88, the Director General of posts reduced eligibility condition for the post of cashier from 8-10 years to 5 years for Postal Assistants. If such Postal Assistants were not available, Postal Assistant promoted under time bound one promotion scheme could be considered if they were willing but they were not entitled to any special pay. The applicant got selected as cashier under this scheme. He was appointed as a cashier by order dated 23.09.88. He claims that tenure of cashier was 4 years as per communication of the Department dated 21.2.67. The Superintendent R.M.S X Division was ordered by Director, Postal Services, Kanpur, Circle, to hold fresh selection for the post of cashier. Apprehending displacement, the applicant approached the Tribunal with a prayer for reliefs mentioned earlier.

3. The arguments of Sri H.P. Pandey for the applicant and Sri Prashant Mathur for the respondents were heard.

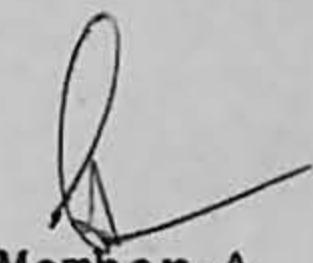
4. It is quite clear from the Annexures to the counter reply that tenure of four years was applicable to time scale Postal Assistant. Sorting Assistant under Time Bound One promotion scheme were to work as cashier only when time scale postal assistant were not available and were not entitled to any special pay for the purpose. They could be replaced at any time if time scale sorting assistant with

8
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five or more years of service became available. Therefore, the applicant can not seek the application of tenure rules to his posting as cashier.

5. The application has no merit and is rejected.

6. There shall be no order as to costs.


Member-A


Member-J

/pc/