

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

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Dated: Allahabad, the 14th day of November, 2000

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC

Hon'ble Mr. S. Dayal, AM

Original Application No.916 of 1990

Sri K.L. Yadav, aged about 45 yrs.,  
s/o Sri Mahabir Prasad Yadav,  
r/o 61A, Fatehpur Vichwa,  
Allahabad (at present posted as  
Packer Group (D), Kacheri Head Post Officer,  
Allahabad.

(By Advocate Sri B.P. Srivastava) . . . . Applicant  
and Sri R.K. Pandey  
Versus

1. Union of India, through the Secretary,  
Ministry of Postal Department,  
New Delhi.
2. Post Master General, U.P. Circle,  
Lucknow.
3. Director of Postal Services,  
East Region, Allahabad.
4. Senior Supdt. of Post Officer,  
Allahabad.

. . . . Opp. Parties.

(By Km. Sadhna Srivastava, counsel  
for the respondents)

ORDER ( Open Court )

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this application u/s 19 of Administrative  
Tribunals Act, 1985, the applicant has prayed for  
direction to the respondents to promote him to the



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Class III post with effect from the date he passed his High School Examination in the year 1979. It appears that the respondents introduced a scheme known as "Revised Incentive Scheme" to promote lower grade officials, who became eligible for promotion to Class III posts. It is not disputed that the applicant passed High School Examination in the year 1979 and he could be eligible for consideration in the Revised Incentive Scheme made applicable later <sup>from</sup> 8.3.82. The applicant was, however, not promoted. He made several representations. They were replied. On being dissatisfied, he has approached this Tribunal. Counter Affidavit has been filed, wherein it has been mainly stated that for want of vacancy, the applicant could not be promoted. In Para-17 of the Counter Affidavit, it has been categorically stated that no official was promoted to Class III posts under the Revised Incentive Scheme in Allahabad Postal Division. In these circumstances, there is no question of any discriminatory attitude towards the applicant. In this Revised Incentive Scheme, only 10% of the total posts, available for direct recruitment, are allocated. The applicant has not been able to say that he was the only candidate available in the Division for promotion under the said Scheme.

2. In these circumstances, we do not find any justification for the direction claimed by the applicant in this application.

3. However, the claim of the applicant shall be considered in future vacancies, if the Scheme continues in application, subject to <sup>after said application is disposed of</sup> ~~rejection of unit~~. No order as to costs.

  
A.M.

  
V.C.