

ALLAHABAD

Original Application No.1530 of 1992

B D MITTAL ... Applicant
versus
The Union of India and others. Respondents

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HON'BLE MR MAHARAJDIN, MEMBER-J
HON'BLE MR V K SETH , MEMBER-A

(By Hon'ble Mr Maharajdin, Member-J)

In this application the applicant has sought the relief to quash the order dated 30 01 90 (Annexure A-2) issued by respondent No.3 and to issue direction to respondent No.1 to post the applicant on the post of P.R.I.(P.) Mathura in place of respondent No.4. It has been further prayed that the respondent No.3 be directed to pay all arrears of special pay since the date of posting of respondent No.4.

The applicant at present is working as Postal Assistant. The applicant got time bound promotion on completion of fifteen years service in the cadre of Postal Assistant and was promoted to L S G Cadre with effect from 30 11 83. In the gradation list of L S G Cadre the applicant has been shown at serial No.20 whereas the name of respondent No.4 is at serial No. 30 (Annexure A-1). In the Postal Department there is a post of Public Relation Inspector(Postal)

which is of the lower selection supervisory post and carries Rs.40/- special allowance and the said post is given to Senior-most official of Lower Selection Grade. There were two posts of Public Relation Inspector(Postal) attached with the Head Post Office, Mathura. The senior L S G officials are entitled to get supervisory post and special allowance. The applicant is the senior to respondent No.4 as such whatever the privilege has to be extended, the applicant is entitled for the first. The post of P R I (P) is for a fixed term of four years. The two posts of P R I (P) Mathura ^{were} ~~are~~ being occupied by R B Batham and Shri Rameshwar Singh, who are placed at serial No.s 5 and 8 respectively in the seniority list. Shri R.B.Batham before completion of his tenure, has been removed from the post of P R I (P) and respondent No.4 who is junior to R.B.Batham as well as the applicant, has been appointed as P R I (P) (Annexure A-4). The applicant submitted a representation asserting his claim to be posted as P R I (P) in place of respondent No.4, but no heed was paid, hence the applicant has come up before this Tribunal.

The respondents filed Counter Reply and resisted the claim of the applicant on the ground that seniority is not the criteria for the post of PRI(P), but the other aspects are also taken into consideration while offering the allowance post of P R I (P) to an official.



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we ~~X~~ have heard the learned counsel for the parties and perused the record.

It has been contended on behalf of the applicant that K D Sharma respondent No.4, who is junior to him has been posted as P R I (P) whereas the applicant who is ^{Senior} ~~junior~~ to him should have been offered this allowance post of P R I (P). The applicant has filed Gradation List of L S G officials of Mathura Division in which applicant is shown at serial No.20 whereas K D Sharma is placed at serial No.30. The applicant has filed the Circular dated 27 07 87 (Annexure A-2) issued by respondent No.1 regarding criteria for selection of P R I (P) in which it has been emphasised that while selecting L S G officials for posting as P R I, their all round suitability for performing duty as P R I should be kept in mind, such as the official should be younger in age group, active, intelligent, energetic and meritorious. So according to this circular a junior L S G can be posted as P R I (P) if he is younger in age, active, intelligent, energetic and meritorious as compared to a senior. The applicant has also filed copy of communication No.6-4/87-SP-II Dated 28th November (Annexure A-3) in which it is mentioned that the posting of an official against L S G ^{-ing} ~~supervisory~~ post, should be made in accordance with the seniority. In para 2.1 of Annexure A-3 it is further

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emphasised that an unwilling L S G official should not be forced to work against a supervisory post. In case senior L S G official refuses posting against a supervisory post, the next junior official should be posted against supervisory post and he shall be allowed special allowance. The selection of next junior official should also be governed by the guide-lines referred to in para 2.2. It is to be noted that Annexure A-3 does not contain para 2.2. It appears that this is an incomplete copy of the Circular Letter, as the guide-lines about which reference is made in para 2.2, is not printed in this letter. Moreover, the guidelines for the selection of P.R.I.(P.) (Annexure A-2) are not deleted as aggregated by guidelines given in Annexure A-3 except that of seniority. I feel that seniority is not the criteria for the selection for the post of P.R.I.(P.).


In Mathura Postal Division there are two posts of P.R.I.(P.) and for posting on the said post all-round suitability of L.S.G. official is taken into consideration such as he should be active, smart, intelligent and energetic. It has been urged during the course of the argument on behalf of the respondents that the respondent No.4 was found more suitable than the applicant for being posted as P.R.I.(P.)

Looking to these facts and circumstances of the



case I am of the view that the application of applicant
is devoid of merit and it is hereby dismissed with no
order as to cost.


MEMBER-A


27.4.93
MEMBER-J

Dated: Allahabad
April 27th, 1993.

(VKS PS)