

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH

ALLAHABAD

DATED: THE 30<sup>th</sup> DAY OF JUNE 1997

CORAM:

HON'BLE DR. R.K. SAXENA, J.M.

HON'BLE MR. S. DAYAL, A.M.

ORIGINAL APPLICATION NO. 535 OF 1995

Jai Singh aged 48 years  
R/o village Nagla Gunj, P.O. Sakit.  
Distt. Etah.

...

Applicant

C/R Shri A.B.L. Srivastava, Adv.

Versus

1. Union of India through the Secretary  
Govt. of India, Department of Post  
Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Director of Postal Services,  
Agra Region, Agra.
3. The Superintendent, Post Offices,  
Etah Division, Etah-U.P. 207121.
4. Shri Rukam Pal Singh, Group 'D'  
through Sub Divisional Inspector (Post)  
Kasganj, U.P.

...

Respondents

C/R Km. Sadhana Srivastava, Adv.

~~ORIGINAL APPLICATION NO. 786 OF 1995~~

Kunwar Pal Singh (B.C.),  
aged about 47 years S/o Sri Bale Ram,  
R/o village Rapra Urf Lakhapur,  
Post Kadarganj (Ganjdundwara),  
Distt. Etah

....

Applicant

C/A Shri K.P. Srivastava, Adv.

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Versus

1. Union of India, through the Secretary (Posts), Ministry of Communication, Govt. of India, New Delhi.
2. The P.M.G., Agra.
3. The Superintendent of Post Offices, Etah.
4. Sri Pyare Lal, E.D.D.A., Singhpur, (Gunjdundwara), Distt. Etah.

.... Respondents

C/R Km. Sadhana Srivastava, Adv.

ORDER

BY HON'BLE DR. R.K.SAXENA, J.M.-

These two original applications have been file by Jai Singh and Kunwar Pal Singh respectively on one and the same ground. They are, therefore, taken up together.

2. The facts giving rise to Jai Singh approaching the Tribunal for seeking the relief of his promotion that he was appointed as Extra Departmental Packer on 16.11.1969. He stands at serial no.108 in the gradat list whereas the respondent no.4 Rukampal Singh is at serial no.114. It is contended that the promotion to post of Group 'D' category is required to be made on basis of seniority subject to satisfactory work. The applicant claims that he had been working with all sincerity but his name does not find place in the lis of those who were promoted on Group 'D' posts. Feelin aggrieved by this order he has come with this O.A. before the Tribunal.



3. Similarly Kunwar Pal Singh has also come with the case that he was appointed as Extra Departmental Runner of Mohanpur Branch. His name finds place at serial no. 9 but juniors to him particularly Pyarey Lal respondent no. 4 whose name finds place at serial no. 101 in the gradation list, has been promoted in the Group 'D' post. He, therefore, seeks his promotion in Group 'D' cadre.

4. The contention of the respondents in both the cases is that the verification of ~~each and~~ <sup>of every</sup> ~~qualificati~~ <sup>employee</sup> was needed before they could be considered for the promotion ~~and~~ Group 2D & cadre. Both the applicants were, therefore, directed to furnish the said information but according to the respondents, Jai Singh has failed to furnish <sup>any details</sup> while Kunwar Pal Singh is now giving the details. The facts which emerged from the pleadings ~~are~~ that the service book of Jai Singh was lost and, therefore, he was required to furnish the certificate of Class VIII but he did not furnish. The contention of the applicant Jai Singh is that he had furnished the said certificate but it was lost and now that school from where he had passed Class VIII examination, is no more in existence. It is, therefore, not possible for him to obtain the copy of the certificate again.

5. We have heard Shri A.B.L. Srivastava counsel for the applicant Jai Singh and Shri K.P. Srivastava counsel for Kunwar Pal Singh another applicant. Km. Sadhana Srivastava counsel for the respondents has argued in both the cases.

6. So far as the case of Kunwar Pal Singh is concerned the dispute comes to an end because the copy of certificate has been furnished by him. The respondents admit that

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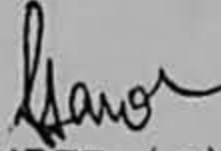
he is senior to Shri Pyarey Lal who has been promoted in Group 'D' cadre. The respondents are, therefore, directed to consider the case of promotion <sup>of</sup> Kunwar F Singh immediately.

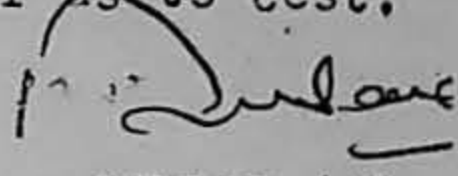
7. So far as the case of Jai Singh is concerned, it is not disputed that the applicant had ~~not~~ <sup>not</sup> furnished the certificate in support of the educational qualification as well as the date of birth. Gradation list which had been brought on record, mentions both the requirements. We are unable to understand as to why the verification of the educational qualification and date of birth <sup>was</sup> ~~was~~ and both of them were entered in the service <sup>book</sup> ~~where~~ from the gradation list was prepared. If the service book is lost at Mainpuri, the applicant <sup>cannot</sup> ~~cannot~~ be compelled to suffer for that reason. It is not the case of the respondents nor is any such plea taken or documents advanced that there is any doubt about the educational qualification date of birth which <sup>was</sup> ~~was~~ given by Jai Singh and entered in the service book. There is also no dispute that the gradation list which had been brought on record, was ~~not~~ prepared on the basis of the entries in the service book. What sanctity should be attached to such entries of the service book has been <sup>made</sup> ~~made~~ clear by their Lordships of Supreme Court in the case of Burn Standard Co. Ltd. and others v. Shri Deen Bandhu Majumdar and another J.T. 1995(4) S.C. 23. Their Lordships had held that the entries particularly the entry with respect to date of birth made in the service book <sup>at</sup> ~~at~~ the time of entry in service should be deemed final. In the present case the verification of educational qualification and date of birth of this applicant Jai Singh is required. In our opinion whatever <sup>was</sup> ~~was~~ entered in the service book which is now

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stated to have been lost, <sup>e</sup> ~~was~~ definitely reflected in the gradation list. Thus the entries of gradation list should be deemed to have been made correctly <sup>e</sup> ~~made~~ from the service book and should be relied upon for considering the promotion of the applicant in Group 'D' cadre.

8. With these directions both the Original Applications are disposed of accordingly. No order as to cost.

  
MEMBER (A)

  
MEMBER (J)

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