

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 25th day of July, 2001.

Coram: Hon'ble Mr. S. Dayal, AM  
Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 290 OF 1999

Rajeev Kumar Mathur  
s/o Shri A. P. Mathur,  
Office Asstt. Office of the P.M. G. Agra.  
r/o 1/142, Peepal Mandi, Agra.  
By Advocate: Sri Rakesh Verma . . . . . Applicant

Versus

1. Union of India, through the  
Secretary (cum-Directorate General Posts)  
Ministry of Communication (Dept. of Posts),  
New Delhi.
2. The Chief Postmaster General,  
U.P. Circle, Lucknow.
3. Shri Himlal Joshi,  
Office Asstt.  
o/o P.M.G. Lucknow.

. . . . . Respondents

By Advocate: Sri S. Mandhyan

O\_R\_D\_E\_R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

The applicant has filed this application for  
permitting him to Lower Selection Grade under Time  
Bound One Time Promotion Scheme with effect from

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13.1.97 and pay him arrears with interest along with any other benefit, which may accrue to him.

2. We find that the applicant has claimed promotion with effect from 13.1.97 on the ground that his junior Sri Ram Dularey-II was promoted in L.S.G. under TBOP Scheme w.e.f. 13.1.97 and on that basis Respondent No.3 and 3 others were promoted from 13.1.97.

3. We have seen Counter Reply of the Respondents. The applicant has claimed that the Respondent No.3 Sri Himlal Joshi has been given promotion on the basis that his junior has been promoted and has also claimed that Sri Himlal Joshi was junior to the applicant. The Respondents in their counter reply have stated that the applicant was appointed as Lower Division Clerk on compassionate ground on 25.9.87 and was required to pass Type Test within two years, but could not pass Type Test. Sri Himlal Joshi was promoted on 31.3.84 from Group 'D' post and was also required to pass Type Test within a period of two years of his appointment as L.D.C. He also failed to pass Type Test and lost his seniority, but he was exempted from passing the prescribed Type Test w.e.f. 1.4.89. The seniority of Sri Himlal Joshi was fixed w.e.f. 1.4.89 and he was placed at Sl. No.217 in the Gradation List. The applicant stood promoted w.e.f. 17.7.92, when he passed Type Test and was placed lower in the seniority list and became junior to both Sri Himlal Joshi, Respondent No.3 and Sri Ram Dularey. Therefore, he was not

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entitled to promotion to L.S. under TBOP Scheme. This counter reply has not been controverted by the applicant, as no Rejoinder Affidavit has been filed. We, therefore, find that the Application lacks in merit and, therefore, the same is dismissed.

4. There shall be no order as to costs.

*Rafiq Uddin* *Dayal*  
(RAFIQ UDDIN) (S. DAYAL)

JUDICIAL MEMBER MEMBER (A)

Nath/