

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 937 OF 2000

ALLAHABAD, THIS THE 04th DAY OF SEPTEMBER, 2003

HON'BLE MR.JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. D. R. TIWARI, MEMBER (A)

Vishwanath Singh s/o Hardeo Singh
Vill. & Post Baddopur,
District-Azamgarh.

.....Applicant

(By Advocate : Smt. S. Rai)

VERSUS

1. Union of India through Director General,
Post Offices, Ministry of Posts and Telegraphs,
Govt. of India, New Delhi.
2. Senior Superintendent of Post Offices
Azamgarh, District-Azamgarh.
3. Post Master General Gorakhpur.

.....Respondents

(By Advocate : Shri R.C. Joshi)

ORDER

By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondent No.2 to count the seniority of the applicant from 1994 and not from the date of actual promotion.

2. The facts of the case are that applicant was appointed as Extra Departmental Mail Peon at Baddopur Branch Post Office in district Azamgarh on 26.09.1962. D.P.C. held its



.....2/-

// 2 //

meeting in 1994 in which several persons junior to applicant were promoted but he was not considered for promotion. Consequently, he filed a representation before the Post Master General, ^{who after} ~~Post Master General~~ ^{perusal of the entire DPC proceedings,} ~~Post Master General~~ found that an error was committed and he passed the following order on 14.11.1995 :-

"श्री विश्वनाथ सिंह, ई.डी.एम.पी.वददोपुर तथा श्री प्रयाम नारायण सिंह भाखा डाकपाल उपरा को भविष्य भेदोने वाली रिक्तियों में समायोजित करने का आदेश दिया जाता है तथा इन्हे उनके जूनियर के कार्यकार ग्रहण करने की तीरीख से सीनियरिटी दी जायेगी।"

3. The respondents have filed the Counter Affidavit. In Para-9 whereof it has been stated that applicant has already been granted the relief. Para-9 reads as under:-

"That the pay of the petitioner was fixed at Rs.750/- and the junior EDA Shri Subhash Chand Singh who was promoted earlier by the D.P.C. held on 16.09.1994 was also drawing the same pay i.e. Rs.750/- on 01.07.1996. The applicant has been treated as senior to Shri Subhash Chand Singh.

In para 4(I) of his application applicant has mentioned that name of Shri Subhash Chand Singh as first person ~~who was~~ granted promotion earlier than the applicant. As the applicant has been treated senior to Subhash Chand Singh, the grievance ~~is being~~ ^{has been} redressed and the applicant is entitled for the same seniority which has been given to Subhash Chand Singh who was selected in 1994."



.....3/-

// 3 //

4. In the circumstances, the applicant is not found entitled for the ~~same~~ ^{any} relief. The O.A. is disposed of with no order as to costs.

Dhan
Member (A)

L
Vice-Chairman

shukla/-