

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, 5
SITTING AT NAINITAL.

Dated: Nainital, the 13th day of June, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

ORIGINAL APPLICATION NO.943 OF 2000

Krishna Nand Pargai,
resident of Anand Niwas,
Tallital, Nainital,
working as Mail Overseer,
East Sub-Division,
Nainital.

. . . . Applicant

(By Advocate: Sri S.P. Singh)

Versus

1. Union of India, through Secretary,
Ministry of Posts and Telegraphs,
New Delhi.
2. Assistant Superintendent of Post Offices
Sub Division (East) Nainital- 263002.
3. Senior Superintendent of Post Offices,
Nainital.

. . . . Respondents

(By Advocate: Sri S.C. Tripathi)

ORDER (ORAL)

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

This application has been filed for setting
aside the orders dated 13.7.2000 and 25.7.2000.

Contd..2

Directions have been sought to Respondent Nos.2 & 3 not to change the cadre of the applicant in any way and not to revert the applicant from the post of Mail Overseer.

2. The case of the applicant is that he was promoted to the post of Mail Overseer on 1.10.1991 by Respondent No.2. The respondents subsequently appointed Sri Sharda Prasad on 20.5.96 as Mail Overseer in place of the applicant, but Sri Sharda Prasad did not appear to take charge of Mail Overseer from the applicant. Again on 29.1.97, an order was issued by means of which the applicant was directed to hand over the charge to Sri Anand Ballabh Tiwari, but Sri Anand Ballabh Tiwari never appeared to take charge and the applicant continued to work as Mail Overseer. Again on 29.3.97, Sri Khyali Ram was asked to take charge from the applicant, but Sri Khyali Ram also did not turn up to take over the said charge. By the impugned order dated 13.7.2000, the Respondent No.2 replaced the applicant from the post of Mail Overseer by Sri Anand Ballabh Tiwari, who on his promotion to B.C.R. cadre was ordered to take charge of Mail Overseer of Nainital East Sub-Division. The applicant stood reverted as Postman, Tallital, terminating local arrangement. The applicant represented against the order dated 13.7.2000 by his representation dated 19.7.2000. The Respondents have considered the representation and given a reply.

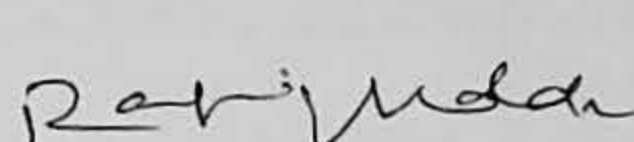
3. We have heard Sri S.P. Singh for the applicant and Km. Sadhna Srivastava, brief holder of Sri S.C. Tripathi for the Respondents.


4. The claim of the applicant is that he should not be reverted after 9 years of working on the post of Mail Overseer and that his reversion amounts to change of status, even if there is no change in the emoluments and, therefore, reversion was bad in law and it has been considered by us. We find that the applicant was directed to work as Mail Overseer in East Sub-Division purely on temporary basis by an order dated 1.10.91 of Respondent No.2. There were several orders passed for posting of other officials to replace the applicant in the year 1996 and 97, but somehow the said persons did not join on the post of Mail Overseer to replace the applicant. The applicant, it appears, was after one such time continued by an order dated 24.7.97 and his functioning as Mail Overseer provisionally on local arrangement basis was approved by Respondent No.3. It was stipulated in that order that the appointment of the applicant was purely temporary and did not confer any right for regular appointment and the arrangement could be terminated at any time without notice.

5. We have considered the claim of the learned counsel for the applicant that the applicant stood promoted to the scale of Rs.3050- 75-3950-80- 4590 under T.B.O.P. Scheme after recommendation of the D.P.C. was received by order dated 31.3.98. This order merely signifies that the applicant was entitled to the scale of Rs.3050- 4590/-, which is also the scale of Mail Overseer and is given to Postman, who gets entitlement for promotion under T.B.O.P. Scheme after completion of 16 years of service. The order

also shows that officials are entitled to promotion under B.C. R. after completion of 26 years of service.

6. We find that is not the case of the applicant that he was replaced by somebody junior to him. As a matter of fact, he has been replaced by a person, who has been promoted under B.C. R. Scheme after completion of 26 years of service. Under the circumstances of the case, we find no illegality in the impugned order dated 13.7.2000. The reply to his representation deals with the issues raised by the applicant adequately and does not require any interference on our part. No order as to costs.


(RAFIQ UDDIN)
JUDICIAL MEMBER


(S. DAYAL)
MEMBER (A)

Nath/