

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1347 OF 2002
ALLAHABAD THIS THE 16TH DAY OF DECEMBER, 2002

HON'BLE MR. S. DAYAL, MEMBER-A
HON'BLE MR. A.K. BHATNAGAR, MEMBER-J

Jaipal Singh Sharma,
Group 'D',
Head Post Office,
Meerut City, Applicant

(By Advocate Shri N.K. Mishra)

Versus

1. Union of India,
through Secretary,
Ministry of Communication,
Dak Bhawan Sansad Marg,
New Delhi.
2. Senior Superintendent of Post Offices,
Meerut Division, (Post Offices)
Meerut. Respondents

(By Advocate Shri R.C. Joshi)

O R D E R

HON'BLE MR. S. DAYAL, MEMBER-A

This Application has been filed for a direction
after setting aside the order dated 24.01.2002 to make
payment of arrears and quash the consequential order dated
30.07.2002.

2. The applicant was appointed as EDA and has been promoted to group D on the basis of seniority on 11.12.1995 by order dated 06.12.1996. The applicant was declared to be senior to Shri Mirajuddin and Shri Rajendra Prasad who had been promoted earlier. Consequently the applicant's representation was accepted and he has been granted promotion with effect from the date Shri ~~Jaipal Singh~~^{Mirajuddin} was declared Junior, was promoted. The applicant made further representation for payment of arrears which was denied by order dated 25.07.2002 stating that since the applicant had not worked on the post

of Group 'D', he was not entitled to any pecuniary benefits.

3. We have heard the arguments of Shri N.K. Mishra, learned counsel for the applicant and Shri C. Prasad, brief holder of Shri R.C. Joshi, learned counsel for the respondents.

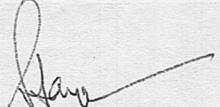
4. It is an admitted position that the applicant was not promoted in 1994 when Shri Mirajuddin was promoted. There was a gap of nearly one year between promotion of Shri Mirajuddin and the applicant and another year before up-gradation of seniority of the applicant by order dated 06.12.1996.

5. The learned counsel for the applicant claims that since it was purely on account of lapse on the part of the respondents that the applicant was not promoted in 1994, the applicant is entitled to arrears of pay according to the order dated 24.01.2002.

6. It is a settled position that when a person has not worked and in a situation when he was given seniority in 1996 after promotion of his junior in 1994 and his own in 1995, the proforma promotion given to the applicant is justified. We find no infirmity in the order of the respondents. Therefore, the application is dismissed in limine at admission stage.

7. There shall be no order as to costs.


Member-J


Member-A

/Neelam/