

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

ORIGINAL APPLICATION NO. 1045 of 2002.

this the 16th day of July 2004.

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

Gorelal 8375298 E/sep 31, Sub-Area postal Unit, c/o
56 APO, R/o Gram Meer gaon, post, Sikandra, District
Kanpur Nagar.

Applicant.

By Advocate : Sri R.K. Asthana.

Versus.

1. Union of India through Secretary Department of posts,
New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Commandent P&T Adn. Cell. A.P.S. Centre, c/o
56 A.P.O.
4. Superintendent of Post Kanpur Division (M), Kanpur
Dehat.

Respondents.

By Advocate : Sri D.K. Dwivedi.

ORDER

BY JUSTICE S.R. SINGH, V.C.

The applicant had been working as Extra Departmental Branch Post Master (in short E.D.B.P.M.) at Branch Post office Meer Gaon, Sikandra District Kanpur Dehat. It appears that he was sent on deputation to Army Postal Service, where he staked his claim for appearing in the Departmental Examination for the post of Lower Grade Official ('in short L.G.O.). By order dated 23.4.2002, applicant's representation has been rejected on the ground that he being E.D.D.A. in civil, was not entitled to appear in L.G.O. examination. The submission made by the learned counsel for the applicant is that he was

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granted technical promotion to Group 'D' post in his parent department and, therefore, he was entitled to appear in L.G.O. examination in view of the provisions contained in para 179 of Army Postal Services Centre and the guidelines which lay down the eligibility conditions for L.G.O. examination. It is provided in the said paragraph that all permanent officials belonging to the category mentioned therein are eligible to take the examination for postal/Shorting Assistants in offices other Foreign post organisation. The letter speaks that letter Box Peon/Mail Peon/packers/porters/ Selection Grade 'D' etc. are amongst the categories of officials eligible for taking the examination.

2. The learned counsel for the applicant has, however, placed reliance on the certificate issued by S.B.I., Rura Sub-Division, Kanpur, thereby certifying that the applicant had officiated as Group 'D' in Rura Sub-Division post office from 1.2.1999 onwards continuously, but he was "proceeding on deputation to field service." Be that as it may, as pointed-out hereinabove, only the permanent Group 'D' officials belonging to different categories are eligible to take L.G.O. examination and the applicant has not yet acquired permanancy in Group 'D' in his parent department. Admittedly, the applicant is on deputation to Army Postal Service and is still holding the post of EDEPM in his parent department, which was not a regular service. In our view, therefore, no exception can be taken to the impugned order dated 23.4.2002.

3. However, having regard to the facts and circumstances of the case particularly the fact that the applicant had officiated as Group 'D' in Rura Sub-Division post office (civil wing) from 1.2.1999 onwards and could not continue there due to the reason that he was sent on deputation to field service and, therefore, his services on deputation should be taken into consideration for his promotion and

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conferment of permanent status in his parent department. We are, therefore, of the view that it would be apt and proper to dispose of this O.A. with the direction to the applicant to make a representation to the competent authority for grant of the status of permanent Group 'D' employee. The competent authority shall consider the representation and take appropriate decision with respect to the applicant's claim for grant of permanent status of Group 'D' employee in the postal department after taking into account his services rendered in Army postal Services. The competent authority shall decide the representation of the applicant within a period of two months from the date of receipt of such representation. It is further provided that if permanency is granted to the applicant, he may stake his claim to take the L.G.O. examination and the Army postal authorities shall act accordingly.

4. The O.A. is disposed of as above. Parties are directed to bear their own costs.

D. Deo
Member (A)

D. Deo
Vice Chairman

GIRISH/-