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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 13th day of MAY 2008.

Original Application No. 117 of 2007.

Hon'ble Mr. N.D. Dayal, Member-A
Hon'ble Mr. Ashok S. Karamadi, Member-J

Prabhu Nath Singh, S/o late T.K. Singh, R/o Village
and Post Siya Basti, Distt: Mau. At present posted on
the post of PASBCO Head Post Office, Gorakhpur.

. . . . Applicant

By Adv: Sri O.P. Singh

V E R S U S

1. Union of India its Secretary, M/O of
Communication Department of Post, Dak Bhawan
Sansad Marg, New Delhi.
2. Chief Post Master General, UP Lucknow.

By Adv: Sri S. Singh

. . . . Respondents

O R D E R

By N.D. Dayal, Member - A

None appears for the applicant even on 2nd call.
Sri S. Singh learned counsel for the respondents. The
matter is therefore, been taken up under Rule 15 of
CAT (Procedure) Rules 1987. We have heard learned
counsel for the respondents and gone through the
pleadings.

2. The applicant was U.D.C.S.B.C.O. since 08.10.1983
and his name was at Sl. No. 245 on Gradation List. He
submits that his junior Sri Ram Pravesh Rai was
promoted as TBOP on 01.08.1991, whereas the applicant

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was promoted on 08.10.1999 on completion of 16 years. As such when the respondents did not heed to his representation in this regard he has approached this Tribunal and sought direction to be given promotion from 01.08.1991 and also decide his representation.

3. Evidently in this matter where the applicant is seeking elevation by way of TBOP to the higher scale of pay from 1991, but he appears to have approached this Tribunal only in 2007. It is seen that the applicant was continuously filing representation and slept over his right.

4. Learned counsel for the respondents brings to the notice that the applicant has not impleaded Sri Ram Pravesh Rai who got TBOP in 1991. However, since TBOP is granted on length of service it is individual for each person and even if the applicant is given TBOP in 1991 it would not adversely affect Sri Ram Pravesh Rai. He, however, insists that this OA is hit by delay and latches and even on merit the applicant is not entitled to granting of TBOP before completion of 16 years, which is laid down in the rules. Sri Ram Pravesh Rai it is stated had become eligible upon merger of cadre of LDC and UDC because of length of service as LDC and, his completion of 16 years is much before the applicant.

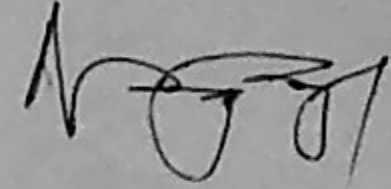
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5. In view of the above both on the ground of delay as well as on merits OA fails and is accordingly dismissed. No costs.



Member (J)

/pc/



Member (A)