

Coram: Hon'ble Mr.P.Srinivasan : Administrative Member
Hon'ble Mr.P.M.Joshi : Judicial Member

30/6/1987

This application was listed for admission to-day.
The applicant was present and argued the matter himself.

The simple point in this case is whether the applicant should have been promoted by a temporary arrangement as a Post Master in Higher Selection Grade-II at Mehsana in April, 1981 instead of Shri Vardiwale who was so appointed. The applicant's case is that though Shri Vardiwale was senior to him, and was offered promotion on a regular basis to HSG-II in March, 1981, he had declined such promotion. According to the orders of the Director General, Post and Telegraphs when a person declines regular promotion he cannot be given officiating promotion to the same post for a period of one year from the date he declined promotion. That being so it was not right to post Shri Vardiwale as Post Master in HSG-II at Mehsana only one month after he had declined regular promotion to that grade. If Shri Vardiwale had not been appointed, the applicant would have been appointed. As it happened the applicant was Post Master in HSG-II in several spells between 15.6.1981 and 31.7.1983 when he retired. His case is that if he had been appointed Post Master HSG-II in Mehsana in the vacancy which was offered to Shri Vardiwale he would have held the post continuously till his retirement and would have got the benefit of many allowances and also an advantage in pension.

We have heard the applicant. In first place, this is an old matter and the applicant complains against

P. S. M. Joshi

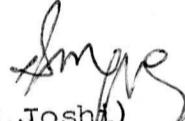
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something which happened in April, 1981. Though he may have made representations to the authority thereafter, repeated representations cannot be taken into account to save the bar of limitation. Further, we do not agree that any right can be founded on what is essentially a convention, that a person who rejects an offer of promotion should not ordinarily be given the higher post by way of temporary arrangement. This is only a convenient arrangement, but the administration can certainly relax it in individual cases. As we have said no right can be founded on such a rule by any junior for appointment in preference to his senior. We therefore see no merit in this application.

In the result the application is dismissed at the admission stage itself.

75-15
30/6/87

(P.Srinivasan)
Administrative Member


(P.M.Joshi)
Judicial Member