

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 176 of 1988

Date of decision: March 22, 1989

1. Sri Antaryami Padhi
aged about 57 years,
S/o Late N. Padhi
Sub-Postmaster, Chikati Goda,
District- Ganjam. Applicant

-Versus-

1. Union of India,
represented by the Director
General (Posts), Dak Tar Bhavan
New Delhi-110001

2. Postmaster General,
Orissa Circle, Bhubaneswar-751001,
Dist. Puri.

3. Senior Superintendent of Post Offices,
Berhampur East Division,
Berhampur-760001
Dist. Ganjam.

..... Respondents

For the Applicant Mr. P. V. Ramdas, Advocate

For the Respondents Mr. A. B. Misra, Sr. Standing
Counsel (Central)

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN
AND
THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed
to see the judgment ? Yes

2. To be referred to the Reporters or not ?

3. Whether Their Lordships wish to see the
fair copy of the Judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct the respondents to give the benefit of the circular dated 20.5.1987 to the applicant and his seniority be fixed on the length of service i.e. from 1.6.1950 conferring on him the consequential service benefits.

2. Shortly stated, the case of the applicant is that he is now working as Sub-Postmaster in Chikati Goda Post Office within the district of Ganjam. On 26.5.1950 the applicant was appointed as a Clerk in the Postal Department and on 1.6.1950 the applicant joined in the Cuttack General Post Office. On 14.8.1952 the applicant was discharged from service. On the basis of a circular issued by the Director General, Posts & Telegraphs dated 15.12.1952 the applicant was reinstated into service vide Annexure-4 dated 21.3.1953 and the applicant joined on 4.4.1953 and he was confirmed on 10.12.1959. The claim of the applicant is that his seniority should be fixed with effect from 1.6.1950. The seniority not having been fixed in the manner prayed by the applicant, he feels aggrieved and has filed this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the seniority of the applicant, on the basis of the circular issued by the Director General, Posts & Telegraphs dated 15.12.1952 is to be fixed with effect from 1.10.1952. In such circumstances, the case being devoid of merit is liable to be

dismissed.

4. We have heard Mr.P.V.Ramdas, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. Mr.Ramdas though initially pressed very hard to allow the prayer of the applicant to fix his seniority with effect from 1.6.1950 on the basis of the length of service, subsequently finding that there is some difficulty in the matter, Mr.Ramdas very rightly and fairly did not press that part of the prayer and ultimately prays ^{that} though in the counter in paragraph 2 the respondents maintained that the seniority of the applicant has been correctly fixed as on 1.10.1952, it has not been actually done so and therefore, Mr.Ramdas prays that direction be given to this effect to the respondents. In the last portion of paragraph 2 it is stated in the counter as follows :

" Thus, his seniority has been correctly fixed as on 1.10.52 xx xx "

This is seriously disputed by Mr.Ramdas as there is no indication ~~is~~ in the gradation list that the seniority of the applicant has been fixed as on 1.10.1952. From the above mentioned averments in the counter we have no doubt in our mind and we are of opinion that the seniority of the applicant has been fixed as on 1.10.1952. Since there has been a strenuous contention by Mr.Ramdas we would say that the competent authority may have a fresh look into the matter and he will personally hear the applicant as to how the seniority has not been fixed as on 1.10.1952 and thereafter a reasoned order should be passed by the competent authority namely ^{en}

Senior Superintendent of Post Offices, Berhampur East Division.
 The applicant should be noticed by Respondent No.3 within 15(fifteen) days from the date of receipt of a copy of this judgment and within four months therefrom a reasoned order should be passed.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Baruas
 22.3.89
 Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

Arshad
 22.3.89
 Vice-Chairman

Central Administrative Tribunal
 Cuttack Bench, Cuttack.
 March 22, 1989/Sarangi.

