

13

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No. 296 of 1988

Date of decision: 20th June, 1990

Sri Banshidhar Panda,
aged about 56 years,
Son of Balaram Panda
Now officiating as Sr. Post-Master,
Bhubaneswar G.P.O.,
Town & Munsifi-Bhubaneswar,
Dist. Puri.

Applicant

-VS-

1. Union of India,
represented by the Secretary,
Department of Posts,
Dak Bhawan, New Delhi.
2. Postmaster General, Orissa Circle,
Bhubaneswar, Dist. Puri.
3. Director General of Posts, New Delhi
4. Sri Harmohan Khuntia,
Superintendent of Post Offices,
Cuttack South Division, Cuttack.
5. Sri Bhaskar Chandra Pattnayak,
S.D.P.O. Nayagarh Sub-Division,
At/P.O./Munsifi-Nayagarh,
Dist. Puri.

For the applicant. M/s. Devanand Misra,
Deepak Misra &
R. N. Naik, Advocates

For the Respondents. Mr. T. Dalei, Addl. Std. Counsel
(Central).

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgement ? Yes.
2. To referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the Judgement ? Yes.

:- JUDGEMENT :-

N. SENGUPTA, MEMBER (J)

The applicant was officiating as Senior Post-Master at Bhubaneswar G.P.O. at the time of filing of the application. The applicant's case is that he qualified himself in a competitive Examination and thus was promoted as Inspector of Post Offices. After that the applicant faced a Disciplinary Proceeding in the year 1984-85, in which he was censured and this was reflected in his Confidential Character Rolls, he also was inflicted the punishment of stoppage of increment of pay for 3 months in the next year i.e. 1986. From the cadre the applicant belonged, promotions are made to Group B Service. In 1987 a D.P.C. met, one Safir Sinha, a Junior to him (applicant) was promoted and not he; another man i.e. Bhaskar Chandra Patnaik was also promoted though the said Bhaskar Chandra Patnaik had been punished earlier. In the subsequent D.P.C. also another junior of the applicant i.e. Respondent No. 4 was promoted. The applicant has prayed for directions to the Respondents to promote him to Group 'B' of the Postal service with effect from the dates his juniors were promoted and also to quash the order of reversion passed on the 20th July, 1988. Here it may be stated that the applicant was given adhoc promotion as Senior Post-Master, Bhubaneswar G.P.O. and the order of reversion was from the rank of Senior Post-Master to the rank of Deputy Post-Master (H.S.C.I.).

2. The Respondents have countered the allegations of the applicant by stating that the cases of the applicant and Respondents No. 4 and 5 were sent to the DPC for consideration and the DPC after assessing, graded

Memorandum
20/6/90

the applicant lower than Respondent Nos. 4 and 5. They have also stated that Respondent No. 4 is not junior to the applicant. In substance the case of the Respondents is that the case of the applicant was considered by the DPC and he was not found fit.

3. We have heard Mr. Deepak Misra for the applicant and Mr. T. Dalei for the Respondents. Annexures R-1 is the recruitment Rules with respect of Post-Master Group-B and from Col. 5 of the Schedule it would be found that the post is a selectionpost i.e. promotion is to be made after assessing the merit of the persons in the Zone of consideration. Having heard the learned Counsels we find that the D.P.C. considered the case of the applicant. This Tribunal can not act as a D.P.C., if the D.P.C. did not consider the case and on extraneous considerations, refused to recommend promotion of a person, then only this Tribunal may interfere. The applicant has failed to make out such a case. From the copy of the gradation list at Annexure-3 it may be found that the name of the applicant appears at Sl. No. 46 and that of Respondent No. 4 at 24. Therefore, it can be said that Respondent No. 4 is not junior to the applicant.

4. For these reasons we do not find any merit in this application, accordingly dismissed. But we do not pass any order as to costs.

.....
K. N. Singh 20.6.90
.....
VICE-CHAIRMAN

.....
S. S. Eepli, 20.6.1990
.....
MEMBER (JUDICIAL)

