

29

Date of decision: July 18, 1990.

• • •

Applicant.

Respondents.

• • •

• • •

Senior Standing Counsel (CAT).

C O R A M :

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

© 2000 Blackwell Science Ltd

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *NW*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N. SENGUPTA, MEMBER (J) The applicant has prayed for the relief of quashing the orders passed on 10/11th January, 1989 vide Annexure-8 by the Senior Superintendent of Railway Mail Service, North Division, Cuttack (Respondent No. 1).

2. In view of the counter filed in this case, it would be sufficient to indicate very briefly the facts alleged by the applicant in his application. The applicant's case is that

18/7.

he joined as Sorter on 2.7.1958 and Respondents 4 to 11 joined as such sorters in the subsequent year/years. The promotion of the sorters, presently known as Sorting Assistant, was taken up and the applicant was not considered initially for which he filed an appeal and the appeal succeeded in part. For the seniority of the applicant over one R.C. Misra, he preferred an appeal, in that appeal also the applicant succeeded. Respondent No. 2 i.e. Assistant Postmaster General (Staff) circulated a seniority list. It is alleged by the applicant that his position was not properly shown and this gradation list is Annexure-7. Against that seniority list a representation was made and reminders were also sent and finally on 10/11th January, 1989 an order of transfer was ^{passed} which ~~had~~ not taken into the seniority of the applicant. Making these allegations, the applicant has prayed for the aforesaid relief and the consequential relief of showing his name at the proper place in the gradation list.

3. In the counter filed, many of the facts alleged by the applicant have rather been admitted and from paragraph 5.3. it would be found that orders were passed declaring the applicant fit to be promoted to Lower Selection Grade cadre along with other officers approved in the list prepared by the Departmental Promotion Committee which met on 28.3.1978. In the ^{Subsequent} ~~consequential~~ paragraph it has been stated that though the applicant was approved for promotion yet his name is to remain below that of R.C. Misra in the Circle Gradation list. In paragraph 5.5. it has been averred that the gradation list is subject to some modification after having

Encl.
1/17

the representations from all the persons likely to be affected and the Department has already taken up the matter and would place the applicant in the appropriate position in the Circle Gradation List of Lower Selection Grade Officers.

4. We have heard Mr. G. K. Mishra, learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. Since the Department is going to take steps to place the name of the applicant in its proper position in the Gradation list of Lower Selection Grade Officers, we do not feel any necessity to give further direction except saying that the matter be finalised within a period of three months from today.

5. This application is accordingly disposed of.
No costs.

R. M. M. 18.7.90
.....
Vice-Chairman

M. S. S. 18/7/90
.....
Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 18, 1990/S. Sarangi.

