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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION No. 485/90

Date of Decision : 9.11.1998.

Sri Bilwamangal Acharya : Applicant

vs.

Union of India and others : Respondents.

For applicant : : M/s S.Kr. Mohanty  
S.P. Mohanty

For Respondents : Shri Aswini Kumar Mishra  
Standing Counsel (Central)

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The Hon'ble Shri K.P. Acharya, Vice Chairman

and

The Hon'ble Shri K.J. Raman, Administrative Member.

1. Whether the reporters of local news papers may be allowed to see the judgement.? YES
  2. To be referred to reporters or not ? NO.
  3. Whether their Lordships wish to see the fair copy of the judgement.? YES
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JUDGEMENT

(14)

Mr.K.J. Raman  
Member(A)

The applicant joined as a Time Scale Clerk in the Postal Department on 31.7.1956. By an order dated 28.7.1980, the applicant was approved for promotion as a Lower Selection Grade ( LSG ) Assistant, against the 2/3rd quota of vacancies for the year 1979, along with others. By a subsequent corrigendum dated 9.7.1982, the year of vacancy was changed from 1979 to 1977-78. By an order dated 20.8.1980, the applicant was actually promoted to the LSG prospectively. The applicant has alleged that in the case of one Sri Abhiram Panda, the promotion to LSG was ante-dated in similar circumstances, and following <sup>this</sup> precedent, he represented to the authorities for grant of LSG in his favour from 1977. He, however, received the impugned order dated 7.6.1990 stating that the circle office had considered and rejected his representation date 6.10.1989. The applicant has prayed for a direction to be given to the respondents to treat the applicant's promotion to the LSG cadre with pay and other financial benefits with effect from 1.1.1977. Copy of the representation of 6.10.89/ is not on record.

2. The only ground urged in the application is that the impugned order dated 7.6.1990, gives no reason

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at all for the rejection of the applicant's claim, and therefore the said order was arbitrary and unfair.

3- In the reply filed, it is admitted that the applicant was approved for promotion against the vacancies for the year 1977-78. It is denied in the reply that Shri Abhiram Panda was given retrospective promotion as alleged by the applicant. The reply, however, does not contain precise reasons for rejecting the claim of the applicant for retrospective promotion, even on notional basis, from 1977, even though it is stated that the applicant's representation was considered.

4. During the hearing the learned counsel for the parties submitted the arguments as above.

5. The learned counsel for the applicant merely reiterated the ground in the application that no reason was given in the rejection order by the respondents. The learned counsel, could not, however, tell us precisely as to how or why the applicant was entitled for retrospective promotion from 1.1.1977. He could not give us any other instance of such retrospective promotion of <sup>the applicant's</sup> / juniors or colleagues.


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6. Similarly, the learned counsel for the respondents could not tell us the precise reason for<sup>which</sup> the applicant's claim for promotion with effect from 1.1.1977 was rejected.


7. In view of the above position, it is not possible for us to adjudicate finally on the claim of the applicant for promotion from 1.1.1977. We are of the opinion that the respondents should re-consider the representation of the applicant and pass a reasoned order stating the basis for the decision. The applicant is also free to submit precise basis (if not already done) for his claim to the respondents to enable his case being considered fully and effectively.

8. In the result, we dispose of this application with the following orders:

- i) The applicant, if so advised, may submit a further representation to the respondents within a period of one month from the date of receipt of a copy of this order, to the appropriate authorities, in continuation of his earlier representation for retrospective promotion from 1.1.1977.
- ii) The respondents shall consider the matter, and further representation, if any, from the applicant, in the light of the above observations, and pass a final order within a period of three months from the date of receipt of a copy of this order. If the applicant's claim is rejected, the respondents should issue a speaking order containing the reasons for the decision.
- iii) There will be no order as to costs.

  
( K.J. Raman )  
Administrative Member



  
( K.P. Acharya )  
Vice Chairman.