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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.43/91

Cuttack this the 14th day of December, 1994

Ghanashyam Sethi

....

Applicant

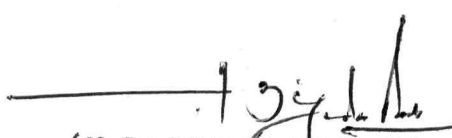
Vrs.

Union of India and others ....

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters  
or not? *no*
2. Whether it be circulated to all the Benches  
of the Central Administrative Tribunal or  
not? *no*

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

4 DEC 94

  
(D.P. HIREMATH)  
VICE-CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.43 OF 1991

CORAM:

THE HONOURABLE MR.DP. HIREMATH, VICE-CHAIRMAN  
AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

...

Shri Ghanashyam Sethi,  
son of Harihar Sethi, at present working  
as S.P.M., At/P.O-Kujanga, District-Cuttack ... Applicant.

By the Advocates ... M/s C.A.Rao &  
P.K.Parida.

Vrs.

1. Union of India, represented by  
Director General, Post and Telegraphs Deptt.,  
New Delhi.
2. Chief Post Master General, Orissa Circle,  
At/P.O-Bhubaneswar, District-Puri.
3. Superintendent of Post Office,  
Cuttack South Division,  
At/P.O-Cuttack-753001.
4. Dharanidhar Pradhan,  
Deputy Post Master,  
At/P.O-Kendrapara,  
District-Cuttack.
5. Radhakrushna Biswal,  
C/o S.P.M., Balasore Division,  
At/P.O/Dist.Balasore.
6. R.C.Mohanty, Post Master,  
Jagatsinghpur, At/P.O-Jagatsinghpur,  
District-Cuttack

... Respondents

By the Advocate

...

Mr.Aswini Kr.Misra  
(Respondent Nos.1 to 3)

.....

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O R D E R

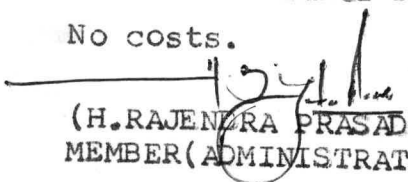
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D.P.HIREMATH, VICE-CHAIRMAN

The applicant herein has made a  
in  
grievance that his promotion/Higher Selection  
Grade with effect from 1.10.1991 given by way  
of promotion is wrong as by virtue of the  
seniority in Lower Selection Grade he ought to  
have been placed above Dharanidhar Pradhan  
(respondent No.4) who got his adhoc promotion on  
15.11.1989. The undisputed facts are that the  
respondent Nos.4,5 and 6 were appointed in the  
time scale posts on 5.1.1955, 8.8.1955 and 1.11.1957.  
The applicant, however, was appointed on 25.11.1959.  
In the Lower Selection Grade the applicant came to  
be promoted much earlier than these respondents,  
namely, in the year 1975 by virtue of the order  
of this Tribunal in T.A.No.161 of 1986 decided on  
30.9.1986. The respondent Nos.4,5 and 6, however,  
came to be promoted later, i.e. in the year 1979.  
Though the actual promotion of the applicant was  
on 7.1.1977, by virtue of the order of this Tribunal  
his promotion took place with effect from 1975.  
Therefore, according to the applicant, while promoting

to the Higher Selection Grade, this seniority in the Lower Selection Grade ought to have weighed with the departmental authorities and instead of adhering to this gradation in the Lower Selection Grade, they appear to have ~~followed~~<sup>fallen</sup> back on the initial seniority in the time scale post. It was only respondent No.4 who was promoted on 10.12.1990 regularly while his adhoc promotion took place on 15.11.1989. The respondent No.5, however, did not accept promotion from 5.6.1990 though the D.P.C. recommended for his promotion. This is how his case was considered in the Biennial Cadre Review and all the three of them, namely, respondent Nos.5 and 6 and the applicant were given promotion with effect from 1.10.1991. There were absolutely no reasons as to why the applicant ought not to have been considered for promotion when his junior, respondent No.4 was promoted, namely on 15.11.1989. When this position was brought to the learned counsel for the respondents, he was not in a position to satisfactorily explain to us why and how the applicant was ignored when the respondent No.4 came to be promoted. Keeping in view

the gradation in the Lower Selection Grade, in all fairness and reasonableness, the applicant ought to have secured his promotion with effect from 15.11.1989 itself. That being so, the petition has to be allowed directing the respondent No.2 to fix the seniority of the applicant above the respondent No.4, and with effect from <sup>that date</sup> the applicant would be entitled to all consequential service benefits. We direct that the promotion of the applicant shall be considered within fortyfive days from the date of receipt of copy of this order to place him above the respondent No.4 Dharanidhar Pradhan, i.e. with effect from 15.11.1989. No costs.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

  
(D.P. HIREMATH)  
VICE-CHAIRMAN

14 DEC 94

A.N.Nayak, F.S.