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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH:CUTTACK.

O.A.NO.27/92

Cuttack, this the 12th day of May '97

Sri Managobinda Sadangi

Applicant

Vrs.

Union of India and another

Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not? Yes.
- 2) Whether it be circulated to all the Benches of the NO Central Administrative Tribunal or not?

(SMT. LAKSHMI SWAMINATHAN)
MEMBER(JUDICIAL)

Somnath Som
(S. SOM)
VICE-CHAIRMAN 12.5.97

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**CENTRAL ADMINISTRATIVE TRIBUNAL,
Cuttack Bench, Cuttack**

ORIGINAL APPLICATION NO. 27 OF 1992
Cuttack, this the 12th day of May, 1997

CORAM:

HONOURABLE SRI S. SOM, VICE-CHAIRMAN
&
HONOURABLE SMT. L. SWAMINATHAN, MEMBER(JUDICIAL)

....

Sri Managobinda Sadangi,
aged about 47 years,
son of late Kanhu Ch. Sadangi,
at present working as A.P.M.(Accounts),
Jaipur H.P.O., District-Cuttack

.... Applicant

Vrs.

1. Union of India,
represented through P.M.G., Orissa Circle,
At/P.O-Bhubaneswar, Dist.Puri.

2. Senior Superintendent, Post Offices,
At/P.O/Munsif/Dist.Cuttack

.... Respondents.

Advocates for applicant -

M/s Pravat Dash, B. B. Patnaik
& Miss. S. Mohanty & T. Rath

Advocate for respondents -

Mr. Akhaya Kumar Misra,
Addl. Standing Counsel.

ORDER

S. SOM, VICE-CHAIRMAN In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Managobinda Sadangi, Assistant Post Master (Accounts) in Jaipur Head Post Office, has made the following prayers:

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(i) He should be treated to have been regularly promoted to the post of L.S.G. Accountant with effect from 3.6.1982;

(ii) He should be considered for promotion to the post of H.S.G. on completion of three years from the date of his ad hoc promotion in 1982; and

(iii) He should be promoted to the post of H.S.G. Accountant from the date persons who joined the LSG post after him have been given promotion to the post of H.S.G. Accountant.

The facts of this case fall within a small compass and can be briefly stated.

2. The applicant joined as a Time Scale Postal Clerk in the Cuttack Postal Division on 12.11.1964. He appeared in the qualifying examination for Post Offices & RMS Accounts Examination in 1970, got qualified and was appointed as P.O. & R.M.S. Accountant on 12.5.1971. He was given ad hoc promotion to the post of L.S.G. Accountant in order dated 28.7.1982 (Annexure-1). According to the applicant, he ought to have been confirmed in the post of L.S.G. Accountant within three years of getting ad hoc promotion, or at least he ought to have been regularly approved for L.S.G. after three years of ad hoc promotion, but this was not done. The Departmental Promotion Committee, which was to meet every year, met only in January, 1989 and he was given regular appointment in the post of L.S.G. Accountant in the cadre of A.P.M. (Accounts) only on 31.1.1989 after seven years (Annexure-2). In course of hearing of this application, while disposing of M.A.No.312/96, the Tribunal ordered on 26.7.1996 that within a period of one month from the date of receipt of the order the respondents should settle the claim of the applicant. In accordance with this order, Director of Postal Services (Head-quarters), Bhubaneswar, ordered on 5.2.1997 that seniority of the

*S. J. Mohapatra
12.5.97*

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applicant be fixed in L.S.G cadre with effect from 3.6.1982, i.e. the date he officiated in L.S.G. cadre as A.P.M. (Accounts) and accordingly his seniority be fixed in subsequent cadres. By this order dated 5.2.1997 the departmental authorities have already granted the first prayer made in this Original Application. His subsequent prayers are that he should be promoted to the post of H.S.G. Accountant from the date persons who are lower than him in the L.S.G. cadre have been given promotion to the post of H.S.G. Accountant. In paragraph 4(xviii) of the application, the applicant has averred that further promotions are going to be given to the post of H.S.G. Accountant and the applicant is also likely to be precluded this time as his seniority will be counted in the grade from the date of completion of probation from 31.1.1991, i.e. two years from 31.1.1989. As his seniority in L.S.G. Accountant cadre has been fixed from 3.6.1982 and it has been ordered that his seniority in the subsequent cadres will also be worked out accordingly, it is obvious that at the time of promotion to the post of H.S.G. Accountant, his seniority in the L.S.G. Accountant grade will be counted, as ordered by the Director of Postal Services, from 3.6.1982 and he will be considered accordingly. To this extent, the application has, therefore, become infructuous with the passing of the order dated 5.2.1997 of the Director of Postal Services. In case any of his juniors has been given promotion to H.S.G. Accountant grade prior to passing of the order dated 5.2.1997, the applicant will have a claim to be considered for promotion from the date his junior has been so promoted. It is, therefore, ordered that in case any of the persons, who are junior to the applicant in the L.S.G. Accountant cadre in accordance with the order dated 5.2.1997, has been promoted to the rank of H.S.G. Accountant,

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the case of the applicant for such promotion from the date his junior got promotion should be considered and result communicated to the applicant within three months from the date of receipt of copy of this order.

3. In the result, therefore, the application is allowed in part. There shall be no order as to costs.

Lakshmi

(SMT. LAKSHMI SWAMINATHAN)
MEMBER(JUDICIAL)

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(S. SOM)
VICE-CHAIRMAN 12.5.97