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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 28 OF 1992

Date of decision: 6.5.1994.

Shri B.K.Rao

...

Applicant

Versus

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

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

(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

*for 6.5.94.*  
(K.P. ACHARYA)  
VICE CHAIRMAN



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(7)

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Shri B.K.Rao	...	Applicant
	Versus	
Union of India & Others	...	Respondents
For the Applicant	...	M/s. B.S. Mishra, N.K. Behera, G. Mishra, Advocate.
For the Respondents	...	Mr. Aswini Kumar Misra, Standing Counsel (Central).

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CORAM:-

THE HONOURABLE MR. K.P. ACHARYA, VICE-CHAMAN  
&  
THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.).

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JUDGMENT

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction to the Opp. Parties to give promotion to the Petitioner to the post of Inspector, Railway Mail Service retrospectively from 13.3.1990 and consequential financial benefits be awarded in favour of the Petitioner.

2. Shortly stated the case of the Petitioner is that he was appointed as a Sorting Assistant in the Office of the Superintendent, R.M.S., B.G. Division, Berhampur on 26.6.1981. Subsequently got promotion to the cadre of Upper Division Clerk on 30th June, 1987. In the year, 1989 15 posts of Inspector of Post Offices (in Short IPO) and two posts of Inspector of Post Offices Railway Mail

Service (in short I.R.M.S.) fell vacant in Orissa and

accordingly applications were invited from the Departmental candidates to fill up such posts. The petitioner was one of the applicants. He appeared<sup>in</sup> the competitive examination in the month of July, 1991 and was recommended by the D.P.C. on 13th March, 1990 for the post of I.R.M.S. The Petitioner was not given promotion and hence he made representation to the authorities which stood rejected. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opp. Parties maintained that the petitioner was not eligible for promotion and hence he was rightly denied promotion details of which would be discussed hereunder.

4. We have heard Mr. B.S. Mishra learned counsel for the Petitioner and Mr. Aswini Kumar Misra learned Senior Standing Counsel (Central). Though the petitioner attempts to make out a case that his name was recommended by the D.P.C. for filling up one post of I.R.M.S. on 13.3.90 this fact was categorically denied by the Opp. Parties in their counter. In paragraph-5 of the counter, it is stated that the examination for recruitment to the cadre of IRMS for the year 1988 was held for one vacancy in SC community. The result of the examination was announced. No candidates



came out successful in the examination including the petitioner. The Director General of Posts ordered for reviewing the result of failed Scheduled Caste candidates to fillup the one SC vacancy. The Review Committee which met on 9. 6. 1989 recommended the name of one Scheduled Caste candidate for selection to the cadre of I. R. M. S and this was communicated to the Directorate on 29. 6. 1989. Before announcement of the Review result of I.R.M. of 1988 from among the failed candidates of SC community, the process for the regular IPSS/IRM examination of 1989 <sup>had</sup> ~~was~~ started. The unfilled vacancies pertaining to the year 1988 was brought forward to the year 1989. Pending announcement of the Review result of the candidate of 1988 examination, the said brought forward vacancy was again declared for the year 1989 and the petitioner appeared in the said examination held in the year 1989 for SC community. The result of the said examination was announced and none from SC community came out successful including the petitioner. The result was again reviewed but it was found that the petitioner was not successful. In the meanwhile the review result of the failed S.C. candidates for the year 1988 was announced and one Shri S.K. Behera was included in the select list, for the IRM examination, 1988. There is no evidence placed before us on behalf of the Petitioner to contradict the above mentioned facts stated by the Opposite Parties. In view of the aforesaid facts and circumstances, we are of opinion that there remains no vacancy for the year 1989 especially keeping in view the



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fact that Shri S.K.Behera was appointed against the vacancy of 1988. Therefore, we find no merit in this case which stands dismissed. There would be no order as to cost.

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MEMBER (ADMINISTRATIVE)

.....  
VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/K. Mohanty/  
6.5.94.

