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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.198 of 1993

Date of Decision: 08.10.1994

S.J.A. Bukhari

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.

2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No.

1.5/100
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 198 of 1993

Cuttack this the 8th day of September, 1994

C O R A M:

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

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S. J. A. Bukhari,
aged about 60 years
S/o. Late S. Subedar Ali
Retd. Superintendent of Post Offices
Khawaja Street,
Berhampur
Dist: Ganjam

Applicant/s

By Advocate M/s. P. V. Ramdas &
P. V. Balakrishna Rao

Versus

1. Union of India, represented
by the Secretary,
Ministry of Communications,
Government of India
Dak Bhawan
New Delhi-110001

2. Chief Post-master General
Orissa Circle
Bhubaneswar-751001

3. Postmaster General
Berhampur Region
Berhampur-760001
Dist: Ganjam

Respondent/s

By Advocate Mr. Akhaya Mishra,
Addl. Standing Counsel (Central)

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O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): Shri S. J. A. Bukhari, while working as Assistant Superintendent of Post Offices, was locally promoted on adhoc basis to Postal Superintendents Service Group-B, in September, 1985. In December, 1985, he was reverted to H.S.G. - I and transferred as Post-master, terminating the adhoc officiation in P.S.S. Group-B.

4. S. J. A. Bukhari

Two of his juniors, viz. S/Shri K.C.Mishra and S.P.Das, were similarly promoted locally to officiate against the P.S.S. Group B posts along with the applicant, Shri Bukhari. But, whereas the adhoc officiation of the applicant was terminated, his juniors continued to officiate in PSS Group B posts until all three were regularly promoted to the cadre from 23rd September, 1986.

2. The main grievance of the applicant is that while ordering his reversion from PSS Group B, the authorities allowed, at the same time, two of his juniors to continue in PSS Group B, and that this has resulted in an anomaly in the pay-fixation.

3. I have examined the facts of the case. Shri S.J.A.Bukhari was admittedly senior to S/Shri K.C.Mishra and SP. Das in the cadre of IPOs., HSG II and ASPOs. Yet he was reverted by terminating his adhoc promotion on 20.12.1985, reportedly because an approved PSS Group B officer was available to be posted in his place. Parallelly, the two officers who were admittedly junior to him were allowed to continue to officiate in PSS Group B because some regular incumbents, on completion of their institutional training, are reported not to have joined the posts. It is not clear from the counter whether two such regular incumbents were at all posted to relieve (and thereby to terminate the officiating adhoc arrangement in PSS Group B of) K.C.Mishra and S.P. Das, but did not join, or, whether no approved officers were available and were therefore not posted against ^{the posts} held by these two officers. If

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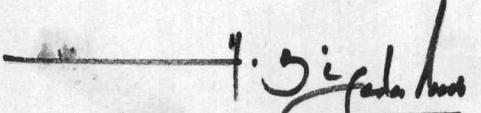
the former is the case, no explanation has been given to adequately clarify the actual position. If the latter is the case, then the same is to be held as an injudicious action, because, rightly and logically, the junior-most among these three officers, locally officiating against a higher post, should have been reverted first, instead of reverting the senior-most, as has been done in the present case. The actual position is not clear also, because, at one point in the counter, the respondents state that Shri K.C.Mishra and S.P.Das continued to officiate till their regular promotion, along with the applicant, while elsewhere in the same counter they state that the said K.C.Mishra was also relieved from PSS Group B on 30.12.1985. In any case, logic demands that the senior-most ASP (who was in the meanwhile promoted to HSG-II) should have been allowed to continue to officiate in PSS Group 'B', by terminating the adhoc arrangements in respect of his juniors. Above all, officials who are admittedly junior to the applicant cannot possibly be promoted, or be allowed to stay promoted, even locally, or to draw higher pay on account of the purely fortutious circumstance of their not being reverted in time, whatever the reasons.

4. It is, therefore, directed that the pay of the applicant be fixed on the basis of, and taking into consideration, the pay fixed in respect of his immediate junior in PSS Group B, and his entitlements be calculated accordingly on the same basis, along with consequent

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incremental benefits if any. Any amount that may become due to the applicant be paid within 120 days of the date of receipt of a copy of these orders.

Thus the original application is disposed of. No costs.


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

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B.K.Sahoo//