

7

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 337 OF 1993  
Cuttack, this the 12th day of August, 1999

Shri Khageswar Samal ..... Applicant

Vrs.

Union of India and others ..... 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 Central Administrative Tribunal or not? *NO.*

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN, 8.99

8

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK.

2

ORIGINAL APPLICATION NO. 337 OF 1993  
Cuttack, this the 12th day of August, 1999

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

Shri Khageswar Samal, son of Sri Pranakrishna Samal,  
Village-Kolathia, P.O-Penthapal,  
P.S-Pattamundai, District-Cuttack,  
at present Assistant Post Master (Accounts),  
Kendrapara Head Post Office, Cuttack ...Applicant

Advocates for applicant - M/s S.K.Mohanty  
S.P.Mohanty.

Vrs.

1. Union of India, represented by its Secretary,  
Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle,  
Bhubaneswar.
3. Shri R.K.Jena, A.P.M. Accounts, Bhadrak Head Office,  
Bhadrak.
4. Shri Harihar Patnaik, A.P.M. Accounts,  
Khurda H.O., Khurda.
5. Sri Raghunath Sasmal, A.P.M Accounts, Bhawanipatna Head  
Post Office, District-Kalahandi. ...Respondents

Advocates for respondents - Mr.S.B.Jena,  
A.C.G. S.C.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this Application under Section 19 of  
Administrative Tribunals Act, 1985, the petitioner has  
prayed for a direction to the respondents to compute the  
applicant's seniority from the date of his joining in the  
L.S.G. cadre on ad hoc basis so that his interse seniority  
will remain in tact and his case may be considered for  
promotion to the cadre of HSG-II with effect from  
1.10.1991.

S Som.

9

2. The applicant's case is that he was appointed as a Time Scale Clerk in the Cuttack Postal Division on 19.9.1963. He came out successful in the P.O. & R.M.S.Accountant Examination held in the year 1970 and was appointed as P.O. & R.M.S.Accountant on 15.4.1972. In order dated 28.7.1982 he was promoted to the cadre of Assistant Post Master (Accounts) and he joined on 30.9.1982. D.P.C. was convened during the year 1982 and S/Shri Sivaram Mishra and R.N.Sasmal were approved as A.P.M.(Accounts) and the applicant and some others, who were in the ad hoc list and were working as A.P.M. (Accounts) were left out even though there were vacancies to accommodate them. The applicant has stated that he has been continuously working as A.P.M.(Accounts) from 30.9.1982 to 25.5.1987 at Keonjhar H.O. and again from 26.5.1987 to 31.5.1991 at Jajpur Head Office. The D.P.C. was not convened from 1982 to 1988 to approve the ad hoc appointees. Ultimately in memo dated 31.1.1989 the applicant was approved for regular appointment to the cadre of APM (Accounts). In the context of the above facts, the applicant has prayed that he should be deemed to have been regularly appointed as APM(Accounts) from 1982 when a regular vacancy was available and his seniority should be counted from that date. The applicant has further stated that he should have been made permanent in the cadre of APM (Accounts) from 13.11.1985. It is stated that had he been confirmed as APM (Accounts) from 13.11.1985 his interse seniority would have been fixed higher. The applicant has further stated that as the promotion now under Second Time Bound Scheme is to be made from amongst the LSG cadre according to seniority, the applicant's promotion to HSG-II cadre would be delayed and therefore he has prayed that he should be considered for promotion to the cadre of HSG-II with effect from 1.10.1991.

J. Som.

10

3. The respondents in their counter have stated that the applicant has already been promoted to HSG-II cadre under BCR Scheme with effect from 1.10.1991, as prayed for by him and therefore the main prayer of the applicant has already been allowed to him by the departmental authorities. As regards the prayer for seniority in the LSG cadre, the respondents have stated that the applicant was appointed as a postal clerk on 19.9.1963. He came out successful in the qualifying examination for the cadre of P.O. and RMS Accounts in the year 1970 and was posted as Accountant in Cuttack G.P.O. with effect from 15.4.1972. A new scale of pay for the Accountants, i.e., Rs.380-640/- was then allowed. He opted to come over to the new scale with effect from 1.6.1981. He was promoted to the cadre of APM (Accounts) in LSG cadre purely on temporary and ad hoc basis and was posted as APM(Accounts), Keonjharh H.O. with effect from 30.9.1982. The DPC met on 16.12.1983 to consider the promotion case of the applicant and some other officials in the Accounts cadre. In the meantime Time Bound One Promotion Scheme for promotion to LSG cadre had come into force from 30.11.1983 and therefore, DPC proceedings were not worked upon. But the applicant continued in the LSG cadre as APM (accounts) on ad hoc basis. The respondents have stated that while he was working as APM (Accounts), Keonjharh H.O., he was punished with stoppage of promotion for a period of two years from 1.1.1987. The next DPC met on 25.1.1989 and he was found fit for promotion to LSG cadre and order of promotion was issued on 31.1.1989 which is at Annexure-2 of the O.A. The respondents have stated that consequent upon introduction of BCR Scheme with effect from 1.10.1991 the applicant has been promoted to the cadre of HSG-II with effect from 1.10.1991. On the

*J. Som.*

above grounds, the respondents have opposed the prayer of the applicant.

4. We have heard Shri S.P.Mohanty, the learned counsel for the petitioner and Shri S.B.Jena, the learned Additional Standing Counsel appearing for the respondents, and have perused the records.

5. It has been submitted by the learned counsel for the petitioner, Shri S.P.Mohanty, that on MA No.119/97, disposed of by the Tribunal in order dated 19.2.1997, the departmental authorities were directed to consider the applicant's representations dated 14.8.1996 and 12.2.1997 strictly in accordance with rules and departmental instructions and pass appropriate orders within reasonable time. It is submitted by the learned counsel for the petitioner that these two representations were with regard to fixation of the applicant's seniority correctly in the LSG cadre and in view of the above order of the Tribunal directing the departmental authorities to dispose of his two representations regarding fixation of seniority, he does not want to press the prayer for fixation of seniority in the LSG cadre in this OA.

6. His other prayer for getting promotion to HSG-II cadre from 1.10.1991 has already been allowed by the Department. In view of this, we hold that it is not necessary to pass any further order in this case.

7. The O.A. is accordingly disposed of with the observations given above but without any order as to costs.

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
12.8.99  
VICE-CHAIRMAN