

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CU TTACK BENCH: CU TTACK.

ORIGINAL APPLICATION NO. 13 OF 1994.

CU TTACK, this the 8th day of March, 2000.

POSTAL PRINTING PRESS EMPLOYEES'
UNION.

Applicants.

- Versus -

UNION OF INDIA & 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

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. NO. 13 OF 1994.

Cuttack, this the 8th day of March, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.)

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Postal Printing Press Employees' Union at Chandaka Industrial Integrated Complex, Mancheswar, Bhubaneswar-10 represented through its General Secretary, Shri Majoj Kumar Patnaik.

Applicant.

By legal practitioner: M/S. S. K. Patnaik, P. Pradhan, Advocate.

- Vrs. -

1. Union of India represented through its Secretary, Govt. of India, Department of Posts, Dak Bhawan, Sansad Marg, Ashoka Road, New Delhi-1.
2. Director General, Deptt. of Posts, Dak Bhawan, Ashoka Road, New Delhi-1.
3. Chief Postmaster General, Orissa Circle, Orissa, Bhubaneswar-1.
4. Selection Committee for recruitment of Gr. D and Gr. C posts of Postal Printing Press represented through its Chairman-Manager, Postal Printing Press, Chandaka Industrial Integrated Complex, Mancheswar, Bhubaneswar-10, Dist. Khurda.

J. Som. : Respondents.

By legal practitioner : Mr. J. K. Nayak, Additional Standing Counsel.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant representing Postal Printing Press Employees' Union have prayed for a direction to the Respondents to cancel the process of selection to fillup the post as per the Advertisement at Annexure-8. The second prayer is for a direction to the Respondents to fillup the present and future vacancies only by way of promoting the persons at Annexure-1.

2. Respondents in their counter have opposed the prayer of applicant.

3. For the purpose of considering this Original Application it is not necessary to go into too many facts of this case.

4. The case of applicant is that some of the Gr. D Personnel in the Postal Printing Press are substantively holding the post of labourers and Machine Attendant. Some of the Gr. D persons are working on officiating promotion to the higher post of Machine Asst. and Machine Attendant for years. It is stated that as per recruitment rules 50% of the posts of Machine Attendant, Bindary Asst. and Asst. Mechanic are to be filled up by promotion and 50% by direct recruitment. Applicants have stated that while 50% promotional quota have been filled up the Departmental Authorities have gone in for open Advertisement at Annexure-8 for filling up of all the posts of Machine Attendant, Bindary Assistant, Asst. Mechanic. In the context of the above facts, applicants have come up with the prayers referred to earlier.

W.M. *W.M.*

5. Respondents in their counter have admitted that as per Recruitment Rules, 50% of the posts of Machine Assistant, Bindary Asst. and Asst. Mechanic are to be filled up by promotion. It is stated that the base level from which promotion is to be made is the post of Labourer. Respondents have stated that ^{D.P.C} ~~PPC~~ had met on 30.7.1993 to fillup 50% of the vacancies in the above posts by way of promotion. Feeder posts are the post of Labourers and if promotional posts are filled up the labourers post will become vacant. Respondents have stated that the press can not run with the shortage of labourers and that is why they have not given effect to the promotion till the post of Labourers are filled up.

6. We have heard Mr. S. K. Patnaik, 1d. counsel for the applicant and Mr. J. K. Nayak, learned Addl. Standing counsel appearing for the Respondents and have also perused the records.

7. Prayer of applicant is to fillup 100% of the above posts by way of promotion. This prayer is obviously without any merit because as per the averments made by the applicant, according to the recruitment rules 50% ^{is} by promotion and 50% by direct recruitment. As the applicants have issued advt. at Annexure-8 to fillup the direct recruitment post, prayer of applicant not to fillup the post by way of direct recruitment in pursuance of Annexure-8 is obviously without any merit and the same is rejected. Other aspect of the matter is according to the averments of the Respondents at Para-8 of the counter, DPC met for filling up of the promotional posts on 30.7.1993 but actually promotion has not been given. Respondents have stated in their counter that as by giving promotion post of labourers

will fall vacant and as the press can not run with the shortage of labourers, they have not given effect to the promotion till the post of labourers are filled up. It is stated by the ld. Addl. St. Counsel that in the meantime the post of Labourers have been filled up. There is, therefore, no further impediment for giving effect to the promotion to the post mentioned above, as per the recommendation of the DPC held on 30.7.1993. It is submitted by learned Addl. Standing Counsel that he has no information if in the meantime promotions have been given in response to the recommendation of the meeting of the DPC held on 30.7.1993. In view of this, we direct the Respondents that in case promotions have not been given in pursuance of the recommendations of the DPC held on 30.7.1993 then such promotion should be given following the above recommendation within a period of 90 days from the date of receipt of a copy of this order. It is submitted by learned counsel for the petitioner that because of the delay in giving effect to the promotional order, applicants will lose their seniority *visa-vis* the direct recruits. In this case there is no material before us that direct recruits have actually been appointed in pursuance of the advertisement at Annexure-8 to the post against which applicants are claiming promotion under the promotional quota. In any case, seniority between the two groups in case both have been appointed, has to be decided strictly in accordance with the rules and no specific orders in this regard is necessary.

J. J. M.

8. In the result, the original application is disposed of with the observations and directions made above. No costs.

• (G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM) 2/100
VICE-CHAIRMAN

KNM/CM.