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 Dr. Ganeswar Rath
 S.N. Mishra
 P.K. Mohapatra
 Mr. U.B. Mohapatra

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No..... 263 1995

Nathuram Satoo Applicant(s):

..... Versus
 Union of India & others Respondent(s)

Sr. No	Date	Orders	Office note as to action (if any) taken on order
1	19.5.95	<p>REGISTER</p> <p><i>Govt</i> Registrar</p> <p>Heard. Admitted. Notice to respondents in three weeks.</p> <p><i>Govt</i> VICE-CHAIRMAN MEMBER (ADMINISTRATIVE)</p> <p>2. ORDER DATED 28-2-2001.</p> <p>Heard Shri S.N. Mishra, learned counsel for the applicant and Mr.U.B. Mohapatra, learned Additional Standing Counsel for the Respondents and have also perused the records. In this original Application the applicant has prayed for a direction to the Respondents to give him promotion under TBOP scheme and to allow him all arrear financial dues. Respondents have filed counter opposing the prayer of the applicant. No rejoinder has been filed.</p> <p>2. For the purpose of considering this petition, it is not necessary to</p>	<p>1. Pet. for Rs 50/- has been filed. <i>Govt</i> 18.5.95.</p> <p>In this application, Petitioner No 013199CAT Act has been filed for his service & promotion etc.</p> <p>For regn. Pl.</p> <p><i>Govt</i> 18.5.95 S.O (S) on leave</p> <p><i>Govt</i> 18.5.95 Ad.</p> <p><i>Govt</i> 18.5.95 For admission Please.</p> <p><i>Govt</i> 18.5.95 Bench.</p>

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
		<p>to go into too many facts of this case. Applicant's case is that he was originally appointed as Assistant Teacher in the Office of the Superintendent of Education, Dandakaranya Project, Umerkote on 8.2.73. In order dated 14.4.87 he was declared surplus in the DNK Project and was surrendered to the surplus cell. On redeployment, he was appointed to work as LDC in Savings Bank Control Organisation in order dated 26.8.87. Applicant joined his new assignment as LDC, in Jagatsinghpur post Office on 13.7.87. His grievance is that taking into account his period of service in DNK project, he has completed 16 years of service by 1989 and therefore, under the TBOP scheme of the Postal Department, he should have been given promotion to the next higher scale but as this has not been done he has come up in this petition with the prayers referred to earlier.</p> <p>3. Respondents in their counter have taken the stand that the period of service rendered in DNK Project can not be taken into account for the purpose of promotion. This point came up for consideration before the Hon'ble Supreme Court in the case of Union of India and</p>	<p>Dr. No - 04-19-5-95</p> <p>Notice may be sent to opp. party by regd. post / A.D. ratu 29/5 62/5 29-5 A.O. MS. U-13. Mohapatra, A.S.C. has appeared for all off. parties. counter not filed. For two weeks onwards. Suk 29/5 Register order dt. 25-7-95 counter be filed by four weeks.</p> <p>Registration S</p>

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

free copy of
the order
dt. 28.2.01 given
to the both
Counsel.

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others vrs. K. Savitri and others reported in 1998
SCC (L&S) 1134. This batch of matters went to the
Hon'ble Supreme Court from this Bench of the
Tribunal. In para 10 of the order, Their Lordships
of the Hon'ble Supreme Court have observed as
follows:

"In that view of the matter, since the
past services of Redeployed surplus
employee can not be counted for his
seniority in the new organisation,
equally the past experience also would
not count as the so-called past services
rendered will not be service in the grade"

As the service of the applicant in DNK Project
can not be counter as service in the grade as per
the law laid down by the Hon'ble Supreme Court
in the above case, it must necessarily be held that
the applicant can not be said to have been put in
16 years of service because that period of 16 years
will count from the date of joining in the Postal
Department in 1987 because admitted ^{what} ~~that~~ the
applicant is claiming under TROP is promotion
and in the above case Hon'ble Supreme Court have
held that previous service in the DNK Project can
not be counted as service in the grade for the
purpose of promotion.

4. In view of the above, we hold that the
application is without any merit and the same is
rejected. No costs.

(G. NARASIMHAM)
(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
28/2/2001

KNM/CM.