

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

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

Nathuram Sahoo

Applicant (s)

Versus

Union of India

Respondent (s)

Sr. No

Date

Orders

Office note as to
action (if any)
taken on order

1 19.5.95

REGISTER

Registrar

Heard. Admitted. Notice to
respondents in three weeks.

VICE-CHAIRMAN

MEMBER (ADMINISTRATIVE)

2. ORDER DATED 28-2-2001.

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
TSOP scheme and to allow him all arrear
financial dues. Respondents have filed
counter opposing the prayer of the
applicant. No rejoinder has been filed.

2. For the purpose of considering
this petition, it is not necessary to

100 for Rs 50k has been
filed.

By
18/5/95

In the application, the
Debtors to US 199 CAT
Act has prayed for his
Service & promotion
etc.

For regn. Pl.

By

18/5/95

18/5/95
So (J) on law
A.C.

Registrar

By

For admission Please

By

18/5/95

Bench

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(2)

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(A)

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.</p> <p>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>Or. No. - 1 dt. 19.5.95</p> <p>Notice may be sent to app. parties by regd. post / A.D.</p> <p><i>[Signature]</i> 29/5</p> <p><i>[Signature]</i> 29.5 A.O.</p> <p>Mr. U.B. Mohapatra, A.S.C. has appeared for all opp. parties.</p> <p>Counter not filed.</p> <p>For further orders.</p> <p><i>[Signature]</i> 22/6</p> <p>Registrar order dt. 25.7.95 counter be filed by four weeks.</p> <p>Registrar <i>[Signature]</i></p>

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OA-263/95-

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy of
the orders
dt. 28.2.01 given
to the both
Counsel.

Patra
9/3

9/3
S.D

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 counted 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 ^{what} admitted ^{that} the applicant is claiming under TBOP 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)
MEMBER (JUDICIAL)

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

KNM/CM.