

→ Bhagaban Mohapatra (A) Vrs - Union of India & Others

Serial No. of Order	Date of Order	Order with Signature
		<p><u>3. ORDER DATED 16-3-2001.</u></p> <p>We have heard Mr. P. V. Ramdas, I.d. Counsel for the Applicant and Shri A.K. Bose, learned Senior Standing Counsel for the Respondents and have also perused the records.</p>
		<p>2. In this Original Application the applicant has prayed for a direction to the Respondents to count his services as Dresser for the purpose of promotion in LSG cadre. He has also prayed for counting his service as Dresser for the purpose of seniority and other pensionary benefits.</p>
		<p>3. Respondents have filed counter opposing the prayers of the applicant.</p>
		<p>4. No rejoinder has been filed.</p>
		<p>5. For the purpose of considering this Original Application it is not necessary to go into too many facts of this case. The admitted position is that the applicant was originally appointed as a Dresser in P&T Dispensary, Cuttack on 20.3.75. On 1.7.1968, he was appointed as substantively against the post. The applicant appeared at the Departmental examination for the post of clerk. He was successful in the examination and on completion of his training he was</p>

For Admissions.

Bench

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21/6/95

On. no. 1, alt. 22.6.95.

As per the order alt. 22.6.95
may be
notice issued
to all the respondents
by Regd. Post with
S. D.

Amrit
S. O. 27.6.95

Mayan
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Rejoinder may
file.

Patna
27/6 Bench

for hearing.

Patna
15/3 Bench

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

appointed as Postal Assistant on 3.8.1981. Prayer is that for the purpose of promotion under OTBP scheme which is given after 16 years of service, his period of service as Dresser should be taken into consideration. The service of the petitioner as Dresser was in the scale of Rs.80-110/- with usual DA. Respondents have pointed out and this has not been denied by the applicant by filing any rejoinder that the post of Dresser was in Gr.D. Only after joining as P.A. on 3.8.1981, the applicant came in Gr.C. The Circular dated 7.12.1983 at Annexure-R/1 laying down the conditions of promotion under OTBP scheme which came into force w.e.f. 30.11.1983 it was provided that all officials belonging to basic grade in Gr.C and D to which there is no direct recruitment and who have completed 16 years of service in that grade will be placed in the next higher grade. The applicant has joined as Postal Assistant in August, 1981 and accordingly his eligibility for promotion under OTBP comes w.e.f. August, 1997 after passage of 16 years. This has also been mentioned by CPMG in his letter dated 21.8.1995 at Annexure-R/2. It has been submitted by learned counsel for the petitioner that even though the CPMG had indicated that the applicant is entitled to be considered for promotion under OTBP scheme w.e.f. 3.8.97 in actual practice no promotion has yet been given to him. In view of this the Departmental Authorities are directed to consider the case of applicant if the same has already been done for promotion under OTBP scheme w.e.f. completion of 16 years from the date of his joining as P.A. and give him the promotion if already not given from 3.8.1997 with all

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O.A. 318/48

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

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of the order
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given to the
both Counsel

Subd
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A. M. T.
S.O.

consequential benefits and service benefits. In view of this the prayer of applicant for counting the service as Dresser for giving promotion under OTBP scheme is held to be without any merit and is rejected. The first prayer of the applicant is disposed of accordingly.

6. With regard to the second prayer of the applicant the applicant has prayed that his service as dresser should count towards pensionary benefits. As respondents have themselves pointed out in para-4.A of the counter that the applicant was substantially appointed in the post of Dresser from 20.3.1975 obviously therefore, his service from 20.3.1975 will count towards pensionary benefits. So far his service from 68 to 1975 is not concerned from the counter it is clear

^{KNM}
as to what the nature of his service. If this was
^{A. J. M.} a temporary service from 1968 to 1978, then
^{A. J. M.} this will also count towards pensionary benefits and it is accordingly ordered. Second prayer of the applicant is disposed of as above.

7. The last aspect of the matter is the prayer of the applicant that his service as Dresser should count towards his seniority as PA. This prayer is without any merit because the seniority will be counted only from the date of joining in PA. This prayer is rejected.

8. In the result, the O.A. is allowed as above. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Som
(SOMNATH SOM
VOTE-CHAIRMAN
16.3.01)