

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 466 OF 1995  
Cuttack this the 23rd day of October /2000

A.K. Dutta

...

Applicant(s)

-versus-

Union of India & Others ...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to 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)  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.466 OF 1995  
Cuttack this the 23rd day of October/2000

CORAM:

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

...

Anil Kumar Dutta,  
Son of Dwijendranath Dutta  
presently working as Bindery Assistant,  
Postal Printing Press, Government of India,  
At/PO - Mancheswar, District - Khurda

...

Applicant

By the Advocates

M/s.H.M. Dhal  
B.Mohanty

-VERSUS-

1. Union of India represented through the Director General Posts, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi
2. Manager, Postal Printing Press, Bhubaneswar, At/PO - Mancheswar (Pin 751010) Dist-Khurda
3. M.K.Pattnaik, Binder Grade-I, Office of the Manager, Postal Printing Press, At/PO-Mancheswar, (Pin 751010) District - Khurda
4. B.C.Mallik, Binder Grade-I, Office of the Manager, Postal Printing Press, Mancheswar (751010) Dist-Khurda

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Respondents

By the Advocates

Mr.U.B.Mohapatra  
Addl.Standing Counsel  
(Central)

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O R D E R

*S. Som*  
MR.SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for quashing the order dated 27.6.1995 at Annexure-3, giving adhoc promotion to Private Respondents 3 and 4 to the post of Binder Grade-I for a period of one year with effect from 1.7.1995. His second prayer is for a direction to Respondents 1 and 2(departmental authorities) to promote him to the post of Binder Grade-I. The Departmental Respondents have filed their counter opposing the prayer of the applicant. Private Respondents

3 and 4 were issued with notices, but they neither appeared nor filed any counter.

2. For the purpose of considering this Application it is not necessary to go into too many facts of this case. The averments made by the parties in their pleadings will be referred to while considering the submissions made by the learned counsel of both sides.

3. We have heard Shri A.Dash, the learned counsel for the petitioner and Shri U.B.Mohapatra, the learned Addl.Standing Counsel appearing for the Respondents and also perused the records.

4. The admitted position is that in the Bindery Deptt. of Postal Printing Press at Bhubaneswar there were three Grades of Posts, viz., Bindery Assistant originally in the scale of Rs.800-1150/-, Binder Grade-II in the scale of Rs.950-1400/- and Binder Gr.I in the scale of Rs.1150-1500/-. In order dated 8.2.1993, both Binder Gr.II and Bindery Assistants were given the scale of Rs.950-1500/-. From this order it appears that at the relevant time there were 30 Binders Grade II and 36 Bindery Assistants. All those 66 were given the designation of Bindery Assistants. In the impugned order dated 17.6.1995 at Annexure-3 Private Respondents 3 and 4 were given adhoc promotion to the post of Binder Grade I for a period of one year. The grievance of the applicant is that he having joined as Bindery Assistant in 29.1.1986 and Respondents 3 and 4 having joined in January/87 as Binder Grade II, on the refixation of seniority of the total 66 Bindery Assistants, he should have been made senior to Res. 3 and 4 on the basis of his date of joining, in the absence of any other rule. It is submitted that as no fresh seniority list

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has been prepared after Binders Grade II have been redesignated as Bindery Assistants, adhoc order of promotion of Res. 3 and 4 vide Annexure-3 is liable to be quashed. The admitted position is that originally the petitioner joined as Bindery Assistant in December 1986 (according to learned counsel for the petitioner wrongly typed in Para-4.10 as 29.1.1986), whereas Private Respondents 3 and 4 joined as Binders Grade - II in January/1987. Thus the Private Respondents 3 and 4 joined in the higher grade, i.e. Binder Grade II, which incidentally is the promotional Grade, to which Bindery Assistant was the feeder cadre. After redesignation of Binders Gr.II and Bindery Assistants, the departmental authorities have placed the Binders Gr.II enblocked above the Bindery Assistants and we find no illegality involved in this because, Binders Gr.II prior to change of their designation were in a higher scale even though both the cadres and got the designation of Bindery Assistants in the process Bindery Assistants got a scale which was even slightly higher than what was enjoyed earlier by <sup>Binder grade II</sup> them. In view of this we hold that even after redesignation of the post of Binders Gr.II and Bindery Assistants and even in the absence of preparation of fresh Gradation List erstwhile Binder Gr.II will continue to rank above the erstwhile Bindery Assistants. It is pointed out by the learned Addl. Standing Counsel that in this Original Application the petitioner has not challenged the seniority list. It has been submitted by the learned counsel for the petitioner that from Annexure-5 it is clear that Respondents have not yet prepared the fresh Gradation List and as such there is no question of the applicant's either challenging or not challenging the same. But in view of our findings that after redesignation of Binders Gr.II and Bindery Assistants

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erstwhile Binders Gr.II would rank above the erstwhile Bindery Assistants, we find no illegality in order at Annexure-3 and therefore, the prayer of the petitioner for quashing Annexure-3 is held to be without any merit and the same is rejected.

As regards the second prayer of the petitioner for direction to departmental respondents to promote him to the post of Binder Grade I, this prayer is also held to be without any merit, because the petitioner has not mentioned in his Application that even according to his date of joining he would rank the senior most amongst all the Bindery Assistants. This prayer is also accordingly rejected.

In the result, we hold that the applicant is not entitled to any of the reliefs prayed for in this Application which is accordingly rejected, but without any order as to costs.

(G.NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.SAHOO//

*Somnath Som.*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*23/10.2100.*