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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

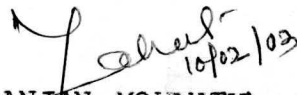
ORIGINAL APPLICATION NO. 431 of 1996  
cuttack, this the 10th day of February, 2003.

Susil Kumar Mukherjee.	....	Applicant.
	vrs.	
Union of India & Others.	....	Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? No
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

  
(B.N. SOM)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

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C O R A M

THE HONOURABLE MR. B.N. SOM, VICE-CHAIRMAN

A N D

THE HONOURABLE AMRO MANORANJAN MOHANTY, MEMBER (JUDL.)


...

Susil Kumar Mukherjee, aged about 60 years,  
S/o. Late Birendra Kumar Mukherjee,  
Retired Junior Accountant (Caretaker),  
in the postal Accounts Office, Cuttack,  
presently residing at Gandarpur,  
PO: College Square, Town/Dist. Cuttack. .... Applicant.

By legal practitioner : M/s. S.K. Dash,  
B. Mohapatra,  
S.K. Mishra,  
S.K. Dash,  
B.N. Mohapatra,  
Advocates.

:Versus:

1. Union of India represented through  
the Secretary, Ministry of Communication,  
Department of Posts, Dak Tar Bhawan,  
Postal Accounts Wing, New Delhi.
2. Director General,  
Department of Posts (PA Wing),  
4th floor, Dak Bhawan, New Delhi.
3. Deputy Director of Accounts (Postal),  
Cuttack-753 005. .... Respondents.

By legal practitioner : Mr. S.B. Jena,  
Addl. Standing Counsel (Central). 

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O R D E R

(ORAL)

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :

Susil Kumar Mukherjee , a retired Junior Accountant (Caretaker) of Postal Accounts Office, Cuttack had filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the Respondents to consider his case for promotion to the next higher grade, retrospectively, with all consequential financial benefits. While the matter stood thus, Susil Kumar Mukherjee breathed his last on 19.1.1999 and through Miscellaneous Application No. 1170/2002 his legal representatives have been substituted to pursue this Original Application for getting the financial benefits of the deceased Postal Employee in the event this Original Application is allowed in their favour.

2. It is needless for us to go deep into the facts of the case and it would suffice to say that earlier the ex-employee/deceased had filed an Original Application in this Tribunal bearing O.A.No. 442/1991 claiming the promotion to the post of Senior Accountant by relaxing the normal rules in the field. The said Original Application was heard by a Division Bench of this Tribunal and on 17.11.1993, while negating the prayer made by the deceased, have made the following observations;

"5. In this context, we have been given to understand that the Government have recently announced a scheme which ensures that every group 'C' and 'D' employee may get at least one promotion in his service career. Under the scheme employees who are directly recruited

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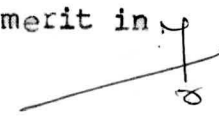
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to Groups 'C' or 'D', and whose pay on appointment to such post is fixed at the minimum to the scale, and, those who have not been promoted on regular basis even after one year on reaching the maximum of the scale of such posts, are eligible for an in situ promotion. We have been also told that in cases where recruitment to any category of posts is made both by direct recruitment or by promotion, a promotee shall be considered for promotion from the date a direct recruit junior to him in that cadre becomes eligible for in situ promotion, even though in his case (in case of a promotee) it will be second promotion. We were informed that in the said scheme the benefits of FR 22(1)(a)(1) (Old FR 22-C) will be allowed while fixing pay on promotion as a special dispensation, even though promotion under the scheme may not involve assumption of higher duties and responsibilities. It was further clarified that the scheme relating to such career advancement is applicable to the incumbents of (a) posts having no avenue of promotion at all or (b) to posts having inadequate avenue of promotion.

6. Considering the totality of circumstances and the fact that applicant has been working for a long time with the respondents in a post which offers no promotional avenues, and that the applicant is due shortly to retire on superannuation we hope that his case will be considered, if otherwise permissible, under the provisions of the said scheme."

After the directions of this Tribunal in OA No. 442/1991 dated 17.11.1993, as revealed from the averments made in the counter/pleadings, the case of Sh. Susil Kumar Mukherjee was considered by the Department in terms of the scheme framed by the Government of India and circulated vide Ministry's letter dated 22nd October, 1991 under Annexure-R/8 and, on being found ineligible as per the scheme, he was not given any promotional benefits. We have also perused the scheme under Annexure-R/8. We find no irregularity or illegality in the matter of not giving any benefits under the scheme to the deceased employee.

3. In the result, therefore, we find no merit in

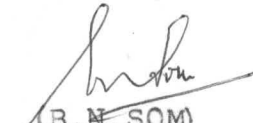


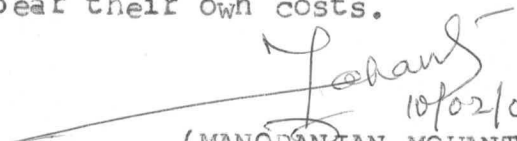
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this Original Application which is accordingly dismissed  
leaving the parties to bear their own costs.

  
(B.N. SOM)  
VICE-CHAIRMAN

  
10/02/03  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

KNM/CM.