

OA 06/18

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
For hearing also a part-heard matter. 28.10.03	<p>Order dated 30.10.03</p> <p>Heard further <u>m. Part</u>.</p> <p>Adjourning to 13.11.03.</p> <p><i>John</i> Vice-Chairman 3/10 Member (S)</p>
Beren	<p><u>13.11.03</u></p> <p>On the hearing of Mr. D.P. Dhalasamant, adjourning to 14.11.03.</p> <p><i>John</i> Vice-Chairman 13/11 Member (S)</p>
	<p><u>Order dated 14.11.2003</u></p> <p>Heard Shri D.P. Dhalasamant, learned counsel for the applicant and Shri A.K. Bose, learned Senior Standing Counsel for the Respondents.</p> <p>By filing this Original Application, the applicant had prayed for direction to be issued to Respondents to promote him to the cadre of Supervisor SBCO from the date his juniors were promoted and to grant him all the past benefits to which he would have been entitled to had he been promoted to that grade with retrospective effect.</p> <p>The Respondents-Department have opposed the Original Application by filing a counter wherein they have stated that the dated 1.2.1995 order passed by this Tribunal in O.A.476/91 to the effect that "the Chief Post Master General, Bhubaneswar to permit the applicant</p>

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to sit in a competitive examination for this grade that is coming up in this year or in the next year to determine his basic eligibility in this regard. If the applicant qualifies in this examination, he should be considered to be promoted as Supervisor from the date his juniors were promoted and all benefits should be granted to him accordingly". It is because of scheme of examination for promotion to the Supervisory Grade in SBCO having been abolished with the introduction of TBOP scheme in the Department, the said examination which was scheduled to be held in October, 1992 was cancelled vide DG Posts order dated 12.8.1992. Respondents have further submitted that they could not bring the aforesaid fact to the notice of this Tribunal at the time of hearing of O.A.476/91 and therefore, they had approached the Senior Standing Counsel to file a Review Application (which was handed over to him on 22.2.1996) seeking review of order dated 1.2.1995 passed in O.A.476/91. However, later on it appeared that the said Review Application could not be actually put up before the Tribunal due to certain unforeseen circumstances; whereas the Respondents were under the bonafide impression that the R.A. had already been before the Tribunal for consideration.

From the above it would appear that the order passed by this Tribunal in O.A.476/91 was incapable of being implemented and/or inoperative one because of the scheme of

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examination for promotion to the Supervisory grade was no more in existence before filing of the present Original Application.

For the reasons aforesaid, this Original Application has rendered infructuous and accordingly the same is disposed of. No costs.

[Signature]
VICE-CHAIRMAN '91

[Signature]
MEMBER (JUDICIAL)

Four copies of
final order
dt. 19.11.03 issued
to concerned for
both sides.
[Signature]
S.O.(S)

DS
28.11.03