

04 06 / 18

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For hearing as a
past heard matter.

DE
12/11/03

Bereh

Order dated 30.10.03

Heard further m. Pan.

Adjourned to 13.11.03.

Vice-Chairman 3/11/03
Member G

13.11.03

On the prayer of Mr. D.P. Dhalasamant,
adjourned to 14.11.03.

Vice-Chairman 13/11
Member G

Order dated 14.11.2003

Heard Shri D.P. Dhalasamant, learned
counsel for the applicant and Shri A.K. Bose,
learned Senior Standing Counsel for the
Respondents.

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.

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

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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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CA. 6/98

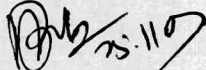
examination for promotion to the Supervisory grade was no more in existence before filing of the present Original Application.

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


VICE-CHAIRMAN 14/11


MEMBER (JUDICIAL)

Free copies of
final order
dt. 14.11.03 issued
to counsel for
both sides.

 25.11.03

S (C)

DS
28/11/03