

Order dated 25.6.2002

Heard the Applicant in person and Shri A.K. Bose, Sr. Standing Counsel on behalf of the Union of India and perused the records.

Applicant faced a punishment of stoppage of three of his annual increments. As against the said punishment, he preferred an appeal to the Director of Postal Services, who passed an order of dismissal from service as against the applicant, whereafter he carried the matter to the Revisional Authority (C.P.M.G.), Orissa Circle. The Revisional Authority, on ^{examination} ~~instruction~~ of the matter, allowed the Applicant to go on compulsory retirement. The Applicant, being aggrieved, carried the matter to this Tribunal in an earlier round of litigation (O.A. No. 30/91). In the said litigation he got the full relief of reinstatement. On his reinstatement the Applicant ~~he was~~ given a promotion to H.S.G. II. While continuing as such, applications were invited from the persons of H.S.G. II cadre for the post of Public Relation Inspector (in short "P.R.I.") and ~~whereas~~ Applicant was one of the candidates for the said post. He having not been selected for the post of P.R.I., carried the matter to this Tribunal in the present O.A.. It is the case of the Applicant that the Senior-most H.S.G. II should have been given the post of P.R.I. and, a junior to him having been given such a posting, the Applicant is aggrieved. The learned Sr. Standing Counsel intimates that the person given the post in ~~as P.R.I. is~~ a senior man to the Applicant, in the cadre of H.S.G. II, ~~who~~ was also a candidate for the said post and, therefore, even if the stand of

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the Applicant is accepted, then he (Applicant) could not have been appointed as P.R.I. However, it is the stand of the Respondents that the post of P.R.I has been filled up by conducting a selection and in the selection process the Applicant was not selected; and this Tribunal not being the Appellate Authority, should not interfere with the selection/appointment/posting, as the case may.

In the aforesaid premises, this O.A. is devoid of any merit and, therefore, the same is dismissed. No costs.

At this stage, it has been pointed out by the Applicant that he represented to the P.M.G. for giving him a posting nearby his native place. His said representation ~~is~~ dated 19.1.1994 did not receive any favourable consideration and yet the authorities, as it reveals from Annexure-R/6 dated 27.4.1994, indicated that the Applicant should not be posted to any sensitive post. Apparently this is the document which weighed in the mind of the authorities, while considering the case of the Applicant for being posted as P.R.I.. Despite the said observation, as aforesaid, the Applicant has been posted as Ass. Post Master Incharge of Treasury, Mails/Money Orders, and Deputy Post Master Incharge ^{of} Savings Bank and now officiating Postmaster of Paralakhemundi, which goes to show that the Applicant has been given posting against the sensitive posts and apparently he was continuing to discharge his duties ^{in those sensitive posts.} satisfactorily. These sensitive postings of the Applicant would show that the document under Annexure-R/6 dated 27.4.1994 has been tacitly,

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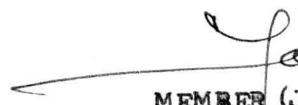
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issued to the Counsel
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By
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given a go bye. The Applicant apprehends that this document under Annexure-R/6 dated 27.4.1994 may stand in his way for future promotion, which he is due to get in near future. Since by conduct the Respondents have, virtually, given a go bye to the comments made in Annexure-R/6 dated 27.4.1994; this document under Annexure-6 dated 27.4.1994 should not, however, stand in the way of the Applicant for getting his future promotion, if any.


26/06/2002
MEMBER (JUDICIAL)