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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 1191 of 2002
Cuttack, this the 20th day of August, 2004

Sudhir Kumar Ghosh Applicant
Vrs.
Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? 73
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? 77

Yobai
20/08/04
(M.R.MOHANTY)
MEMBER (J)

Ar. S. S.
(B.N. S. OM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SQM, VICE-CHAIRMAN
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER (J)

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Sudhir Kumar Ghosh, aged about 54 years, S/o- Late Surendranath Ghosh, Village- Jheria, P.O.- Gohiopal, District- Singhbhum, Jharkhand, presently working as Duftari, Office of Manager, Postal Printing Press, Bhubaneswar, District:- Khurda, Pin-751000.

..... Applicant

Advocates for the applicant - M/s D.P.Dhalsament.

Vrs.

1. Union of India, represented through Director General, Post Department of Posts, Ministry of Communication, Government of India, Dak Bhawan, New Delhi-110001.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, District:- Khurda.
3. Manager, Postal Printing Press, Bhubaneswar, District:- Khurda, Pin-751010.

..... Respondents

Advocates for the Respondents - Mr. B.Dash

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ORDER

SHRI B.N.SQM, VICE-CHAIRMAN

Sri Sudhir Kumar Ghosh, presently working as Duftari, Office of Manager, Postal Printing Press, Bhubaneswar has filed this O.A. seeking the following relief:-

- " (i) That the order dated 7.11.2001 passed by Respondent No.3(Annexure-3) be quashed.
- (ii) That the Respondent be directed to grant insitu promotion to the applicant and advance scale of pay with effect from 1.4.91.
- (iii) That any other relief as deemed fit and proper in the circumstances of the case be granted."

2. The facts of the case in short are that the applicant who had entered service in Central Government in Group-D capacity under Danakaranya Project, Koraput, after closing down of that project was adjusted against a group-D post under Respondent No.3 w.e.f. 21.4.87, in the same scale of pay. He reached the maximum of the scale(Rs. 750-940) in December 1989 and therefore was granted stagnation increment in the years 1991, 1993 and 1995. On introduction of the scheme for insitu promotion in the Central Government w.e.f. 1.4.91, he approached the Respondents to grant the benefits of the scheme, vide his representation dated 25.4.2000, followed by a reminder on 7.11.01. He also drew the attention of the Respondents to the order of this Tribunal passed in O.A. No. 495/94, O.A. filed by one Sri Satrughna Nayak that the insitu promotion scheme introduced by the Central Government w.e.f. 1.4.91 was applicable to the employees who had come from another organi-

sation, in case they are found suitable for the purpose. But the benefit of the decision of the order of this Tribunal dated 23.4.98 in that O.A. has not been extended to him. On the other hand by their letter 7.11.01 (Annexure-3) the Respondent No.3 informed the applicant that his claim for insitu promotion can't be granted as he has been transferred from another organisation.

3. The Respondents by filing a counter have reiterated their position that insitu promotion is not applicable to the applicant since he has been transferred from another organisation.

4. We have heard the Learned Counsel for the parties and have perused the records placed before us.

5. From the records we find that the Respondents have submitted Government Orders dated 13.9.91 and 4.9.92 on insitu promotion scheme, in which it has been clearly laid down that the scheme is applicable to those employees who have not been promoted on regular basis even after one year, on reaching the maximum of the scale of such post. Infact, this Tribunal has already held by passing order in O.A. 495/94 dated 23.4.98 referring to the O.M. dated 25.5.92 issued by the Ministry of Finance, Government of India, that insitu promotion is permissible to a person who was initially appointed to a post in one organisation but, subsequently, transferred to another organisation in the same scale. As the scheme itself permits grant of insitu promotion benefit to an employee, like the applicant, who moved from one organisation to another and stagnated in the pay scale due to lack of adequate promotional avenue he is entitled to insitu promotion.

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6. In view of the above condition of the scheme, we have no hesitation to declare that the applicant is entitled to insitu promotion interms of the scheme introduced by the Central Government by the O.M. No. 10(1)/E-III/88 dated 13.9.91 and accordingly direct the Respondents to consider the case of the applicant for insitu promotion as permitted under the rule and the same benefit should be made available to the applicant within a period of 120 days from the date of receipt of this order. No costs.


(M.R.MOHANTY)
MEMBER (JUDICIAL)


(B.N.SOM)
VICE-CHAIRMAN

RK/SD