

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of Decision : 17.5.2002

O.A. No. 47/1999.

Manohar Lal s/o of Shri Shanker Lal, aged about 36 years, by caste Hindu, resident of Harijan basti, Bikaner, presently working as Sorting Assistant, Railway Mail Service, District Sriganganagar.

... APPLICANT.

versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Post Master General, Western Region, Jodhpur.
4. Superintendent, Railway Mail Service, 'ST' Dn. Jodhpur.

... RESPONDENTS.

Shri P. N. Jatti counsel for the applicant.
Shri Vinit Mathur, counsel for the respondents.

CORAM

Hon'ble Mr. Justice O. P. Garg, Vice chairman.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

: O R D E R :
(per Hon'ble Mr. Justice O. P. Garg)

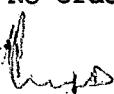
Heard the learned counsel for the parties.

2. Shri P. N. Jatti, learned counsel for the applicant, pointed out that this case is squarely covered by the decision of the Full Bench in OA No. 543/95 decided on 11.02.2002 in the case of Devi Lal & Ors. vs. U. O. I. & Ors. Shri Vinit Mathur, learned counsel for the respondents repelled his submission.

3. It is an admitted fact in this case that the applicant who belongs to SC community should have been declared successful in the result declared on 10.12.1992 because of the rules applicable for reserved community candidates. This could not be done by the respondents only for the simple reason that the list of the candidates was not neatly typed and the community of the applicant was not legible in that list. Apparently this has been a lapse on the part of the departmental functionaries who handled the selection proceedings. If this lapse had not occurred the applicant would have obviously been promoted on the basis of result declared on 10.12.1992. After realising this mistake, the department has ordered promotion to the applicant in the cadre of Sorting Assistant in the pay scale of Rs. 975-1660 vide letter dated 27.01.1998 effective from 08.07.1993. However, the pay of the applicant has been fixed only notionally. In the said order, it has been mentioned that no arrears of pay are payable to the applicant.

4. After having heard the learned counsel for the parties and taken into consideration the decision of the Full Bench aforesaid and the facts and circumstances of the case we find that this case is fully covered by the decision aforesaid and, therefore, we reject the contentions raised on behalf of the respondents that the case is not covered by the aforesaid decision.

5. This OA is allowed. The applicant is entitled to payment of full arrears retrospective from the date of his promotion, even though he did not work on the said post. No order as to costs.


(A. P. NAGRATH)
MEMBER (A)


(JUSTICE O. P. GARG)
MEMBER (J)

Copy of order is sent to counsel
for Applicant vide no 144 dt 22-5-2002

Part II and III destroyed
in my presence on 13-5-2002
under the supervision of
Section Officer (J) as per
order dated 14-5-2002

Section Officer (Record)

PP for
W.M.S.
W.M.S.

DR

R/WPM
W.M.S.
22/5/2002