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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO.: 297/2001

Date of Order: 08.01.2003

M.S. Yadav S/o late Shri Mangal Singh, aged 58½ yrs. Supdt. Post Office, Sri Ganganagar Division Sri Ganganagar (Rajasthan) - 335001 (Stands posted to Jaipur)

...Applicant.

V E R S U S

1. Union of India, through
The Director General (Posts)
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
2. Posts Master General,
Rajasthan Western Region,
Jodhpur (Rajasthan)

...Respondents.

Mr. K.K. Shah, Advocate for the applicant.

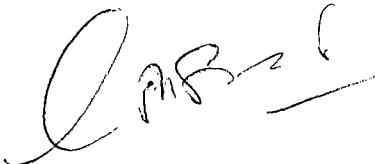
Mr. Vinit Mathur, Advocate for the respondents.

CORAM:

HON'BLE MR. JUSTICE G.L. GUPTA, VICE CHAIRMAN.

HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER.

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: O R D E R :

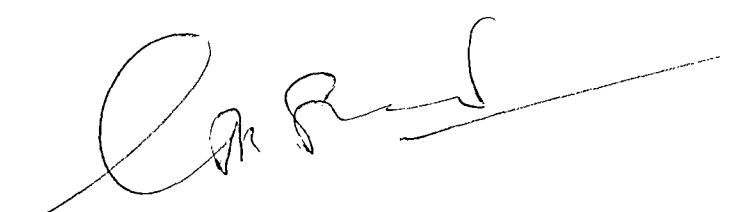
Per Mr. Justice G.L. Gupta :

The applicant was promoted in PSS Group 'B' cadre on 28.11.1989. In the seniority list of PSS Officers as on 01.01.1995, his name was shown at Sl. No. 219. Promotion to the post of Junior Time Scale (JTS for short) IPS in Group 'A' is to be made from among the Group 'B' PSS Officers and also by direct recruitment in the ratio of 3:1. Ad hoc promotions were made as regular DPC was not held. In the year 1995, the applicant was also promoted on ad hoc basis to the post of JTS IPS Group 'A' from 05.03.1996 vide order Annexure A/3.

2. The grievance of the applicant is that he ought to have been given promotion on regular basis from 1998 when the persons junior to him had been given promotion to the post of JTS IPS Group 'A'. When the applicant was not given promotion in 1998, he made representation Annexure A/4 on 15.09.1998. His representation was rejected in November 1998 vide Annexure A/5.

The further case for the applicant is that persons junior to him were given promotion to the post of JTS IPS Group 'A' in the year 2000 ignoring his claim and hence he made representation on 02.01.2001, against the promotion order dated 01.09.2000 (Annexure A/8). The same has not been replied yet.

3. In the counter the ~~respondents~~ have resisted the claim of the applicant. It is evident from the averments made in reply to para 14.4 of the Original Application that the representation of the applicant dated 02.01.2001, made against his supersession in the year



2000, had not been considered till the date of filing of the reply by the respondents.

4. Keeping in view that the representation of the applicant is still pending, we do not think it proper to consider the matter on merits. We think it a fit case in which the respondents are directed to dispose of the representation dated 02.01.2001 within fixed time limit.

5. Consequently, the respondents are directed to consider and dispose of the representation of the applicant Annexure A/l dated 02.01.2001, in so far as it relates to the supersession of the applicant in the year 2000, within a period of three month from the date of communication of this order. A speaking order be passed and the applicant be informed about the same. The applicant if aggrieved shall be at liberty to challenge the said order. No order as to costs.

6. Application stands disposed of accordingly.

Ans
(A.P. NAGRATH)

Adm. Member

G.L. Gupta
(G.L. GUPTA)

Vice Chairman

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JSV