

(प्राक्तिक) नियमावली का नाम संख्या 22 वां नियमावली
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

2/5

O.A. No. 283 of 2004 199 2004
T.A. No. 284 of 2004
285 of 2004

DATE OF DECISION 19/11/2004

Ramesh Chandra Kailiya and Ors. Petitioner
& Batch.

Mr. Vijay Mehta, Advocate for the Petitioner (s)

Versus

Ratan Lal Jingar and Ors. Respondent

Advocate for the Respondent (s)



CORAM :

The Hon'ble Mr. J.K. Kaushik, Judicial Member.

The Hon'ble Mr. G.R. Patwardhan, Adm. Member.

COMPARED &
CHECKED

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. Whether it needs to be circulated to other Benches of the Tribunal? *Yes*

Sd/-
(G.R. Patwardhan)
Member(A)

Sd/-
(J.K. Kaushik)
Member(J)

I/6

Central Administrative Tribunal
Jodhpur Bench, Jodhpur

Original Application No.283, 284 and 285/2004
Date of Decision : This the 19th November, 2004.

Hon'ble Mr. J. K. Kaushik, Judicial Member
Hon'ble Mr. G.R. Patwardhan, Administrative Member

1. Ramesh Chandra Kailiya S/o Sri Hangami La, aged 50 years, Postal Assistant, Head Office, Chhitorgarh, R/o 16, Postal Colony, chittorgarh.
2. Rajendra Kumar Khamesra S/o Shri Shanti Lal aged 46 years, Postal Assistant, Head Office, Chittorgarh, R/o 55, Bapu Nagar, Chittorgarh.
3. Ramakant Dayama S/o Shri Nandkeshwar, aged 43 years, Postal Assistant, Head Office, Chittorgarh R/o 96, B Pratap Nagar, Chittorgarh.
4. Kamal Chand Katariya S/o Shri Kailash Chand aged 43 years, Postal Assistant, Head Office, Chittorgarh, R/o 39/1 II, Gandhi Nagar, Chittorgarh.

.....Applicants in OA 283

1. Ratan Lal Jingar son of Shri Laxmi Chand, aged 53, Sub Post Master, Nimbahera, District Chittorgarh, r/o Indira Colony, Nimbahera, District Chittorgarh.
2. Babu Lal Maratha son of Shri Madan Rao, aged 51 years, Sub Post Master, Pratapgarh, district Chittorgarh, r/o Pratapgarh, District, Chittorgarh.
3. Suresh Chand Porwal son of Shri Sajjan Lal, aged 48 years, Postal Assistant, Post Office Pratapgarh, District Chittorgarh, r/o Pratapgarh, District Chittorgarh.
4. Chandra Singh Kothari son of Shri Roshan Singh, aged 53 years, Sub Post Master, Kapasan, District Chittorgarh, r/o E/3, Bapu Nagar, Chittorgarh.

.....Applicants in OA 284

1. P. C Yadav son of Shri Nand Ram, aged 43 years, Postal Assistant, Head Office, Chittorgarh, r/o 58, Neelkanth colony, Chittorgarh.
2. Satya Narain Sharma son of Shri Mohan Lal, aged 43 years, Postal Assistant, Head Office, Chittorgarh, r/o 101, Kumbha Nagar, Chittorgarh.



3. Gani Mohammad son of Shri Hussain Mansoori, aged 44 years, Sub Postal Master, Binota, district Chittorgarh, r/o Binota, District Chittorgarh.

4. Madan Lal Sharma son of Shri Mohan Lal, aged 47 years, Office Assistant, Divisional Office, Chittorgarh, r/o Ound, District Chittorgarh.

.....Applicants in OA 285

[Mr. Vijay Mehta, counsel for the applicants in both OAs]

Versus

1. Union of India, through the Secretary to the Government, Ministry of Communication (Department of Posts), Sancha Bhawan, New Delhi.
2. Post Master General, Rajasthan, Southern Region, Ajmer.
3. Chief Post Master General, Rajasthan Jaipur.
4. Senior Superintendent of Post Offices, Chhitorgarh.

.....Respondents in the OAs

ORDER [BY G.R.PATWARDHAN]

O.A.283, 284 and 285 of 2004, filed by applicants against the Union of India through the Secretary to the Government, Department of Posts, Post Master General, Rajasthan, Ajmer, Chief Post Master General, Rajasthan, Jaipur, Senior Superintendent of Post Offices, Chhitorgarh, raise the issue - if promotion could be denied to the applicants to the post of HSG-I by attempts to change their seniority through an amendment in Recruitment Rules, therefore, all the three OAs are being disposed of by this common order.

2. Bereft of the individual fact of the case, it appears that the applicants in these three cases presently working in different capacities like Postal Assistant, Office Assistant and Sub Post Master at various places, were appointed in different grades and at that time were being governed by the Recruitment Rules, 1976 which provided for promotion to LSG through Limited Departmental Examinations and part of the vacancies to be filled



by seniority-cum-fitness. This underwent changes subsequently with the introduction of two Schemes - TBOP and BCR whereafter, the earlier procedure of limited departmental examination etc. was given a go-bye. It is the contention of the applicants that subsequent to their promotions under the schemes TBOP and BCR, the status is likely to be disturbed by resorting to proposition that those promoted in this manner, cannot be considered fit to hold promotional post as they were not promoted in the real sense of the term.

3. Similar issue was agitated in the Tribunal through another case where after considering their contentions and taking into account order of Central Administrative Tribunal, Chennai, in K. Perumal and M.r. Ramaswamy Vs. the Director General of Posts and Others in OA No. 679 of 2003 decided on 19.3.2004, it was directed that the case of the applicants there in the application, be considered as a representation by respondents who would pass a detailed and reasoned order within three months. The same logic was followed in OA No. 278 of 2004 Vishnu Lal Tailor and Ors. Vs. UOI & Ors. by this Tribunal in which a Division Bench passed similar order on 8th November, 2004. Accordingly, as the issue in the set of these OAs is similar, it is ordered that the respondents shall treat these OAs as a representation and pass a detailed and reasoned order after consideration within three months. By way of interim relief, it is directed that during this period of three months, the respondents shall not make any transfer solely on the basis of points raised in the application.

CERTIFIED TRUE COPY
Dated 30-12-2004

गवर्नर अधिकारी (ज्याद.)
Section Officer (Judi.)
गवर्नर अधिकारी (ज्याद.)
Central Administrative Tribunal
जोधपुर आवासीय जोधपुर
Jodhpur 382001, Jodhpur.

Sd/-
(G.R. Patwardhan)
Member(A)

Sd/-
(J.R. Kaushik)
Member(J)

jrm

Part II and III destroyed
in my presence on 31/10/2013
under the supervision of
section officer (1) as per
order dated 18/10/2013

J.B. S/No 31.10.2013
Section officer (1) (second)

Re: [unclear]
A. [unclear]
31/10/2013