

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.433/02

Monday this the 23rd day of August 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

T.R.Narayanan Potti,
S/o.Raman Potti,
LSG Accounts Supervisor,
HRO (Accounts), Thiruvananthapuram.
Residing at T.C.57/911, Akshatha Nilaya,
Cherukani, Kalady South, Karamana.

Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

Versus

1. Senior Superintendent of Railway Mails,
RMS TV Division, Thiruvananthapuram.
2. Director of Postal Services (HQs),
O/o. the C.P.M.G.,
Thiruvananthapuram.
3. Chief Postmaster General,
Kerala Postal Circle,
Thiruvananthapuram.
4. Director General of Posts,
New Delhi.
5. Union of India represented by
its Secretary, Ministry of Communications,
New Delhi.
6. A.Nazeer,
Accountant, HRO Accounts,
RMS TV Division, Thiruvananthapuram.

Respondents

(By Advocate Mr.C.Rajendran, SCGSC [R1-5])

This application having been heard on 23rd August 2004 the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant who was recruited as a Sorting Assistant in Ernakulam RMS Division on 20.12.1976 came to Thiruvananthapuram RMS Division under Rule 38 transfer with effect from 23.2.1980 and thereby became junior to the 6th respondent. However, he had

passed the PO & RMS Accounts Examination conducted in the year 1981. He was promoted as LSG Accountant now designated as LSG Accounts Supervisor on 26.12.2001. Since the applicant's seniority was determined on the basis of passing PO & RMS Examination in terms of Annexure A-5, the applicant was posted as LSG Accounts Supervisor with effect from 26.12.2001. While so, he was served with Annexure A-11 notice asking him to show cause why he should not be reverted and 6th respondent posted as LSG Accounts Supervisor as the latter by qualifying in LSG Accountants Supervisor Examination the latter has become senior to him. Although the applicant submitted his explanation, the same was rejected by impugned order Annexure A-16. Aggrieved by that the applicant has filed this original application seeking the following reliefs :

1. call for the records and quash Annexure A-16 inasmuch as it relates to the applicant.
2. declare that Annexure A-12 applied only prospectively and that it will not disturb the seniority of the applicant vis-a-vis the 6th respondent already determined, before its issue and direct the respondent to regulate the seniority accordingly.
3. declare that the applicant is entitled to continue as LSG Accounts Supervisor in the present post as he is senior to the respondent in the basic cadre of Sorting Assistants in the circle and direct the respondents to regulate his appointment accordingly.
4. call for the records and quash Annexure A-12 inasmuch as it supercedes year of passing the PO & RMS Examination as the crucial factor for determining the seniority for purpose of promotion to the post of LSG Accounts Supervisor.
5. any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
6. award the cost of these proceedings.

2. Respondents seek to justify the impugned action on the ground that in terms of the clarification contained in the letter of DG Posts dated 23.12.1999 that the seniority does not affect by date of passing the examination the action taken is perfectly in order.

3. On a careful scrutiny of the pleadings and materials on record we find that no injustice has been done to the applicant. Although the applicant had passed the Accountant Examination in 1981, before the applicant was posted as LSG Accounts Supervisor with effect from 18.12.2001 the 6th respondent having passed the LSG Accounts Examination in the year 1990 and he being senior to the applicant as the applicant lost his seniority by his transfer under Rule 38 the respondents have acted in accordance with rules by issuing show cause notice (Annexure A-11) and passing the impugned order assigning proper and correct seniority to 6th respondent. We do not find infirmity with the impugned action.

4. In the result the application fails and the same is dismissed. No costs.

(Dated the 23rd day of August 2004)


H.P.DAS
ADMINISTRATIVE MEMBER

asp


A.V.HARIDASAN
VICE CHAIRMAN