

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.504/2001

Friday, this the 10th day of January, 2003.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. B. Vasudeva,
Office Assistant,
O/o the Superintendent of Post Offices,
Kasargod Division, Kasargod,
2. S. Babu,
Postal Assistant,
Kasargod Post Office,
Kasargod. Applicants

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

Vs

1. Superintendent of Post Offices,
Kasargod Division,
Kasargod.
2. Postmaster General,
Northern Region,
Calicut.
3. Director,
Army Postal Services,
56 APO.
4. Director General,
Postal Department,
New Delhi.
5. Union of India, rep. by its
Secretary,
Ministry of Communications,
New Delhi. Respondents

(By Mr. K. Kesavankutty, ACGSC)

The application having been heard on 10.1.2003, the Tribunal on the same day delivered the following :

ORDER

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

Applicants 1 and 2 recruited as Postal Assistants, Kasargod have filed this application aggrieved by showing their date of entry in the grade of Postal Assistant as 14.3.1989 and Annexure A6 and A7 orders by which their request for promotion

under the OTBP Scheme counting their service in the APS has been turned down. The case of the applicant can be briefly stated as follows :-

2. The applicants were recruited as Postal Assistants in the year 1982 by Annexure A1 order. While awaiting appointment as Postal Assistants, by Annexure A2 order 26.5.1984 they were temporarily appointed as Postal Assistants and were deputed to APS. They were by Annexure A3 order dated 13.3.1989 appointed as acting LRPAs in Kasargod Postal Division w.e.f. 14.3.1989. On their relief from the APS, they joined in the post of Postal Assistants. They found that in the gradation list of Postal Assistants, their date of commencement of continuous service in the grade was shown as 14.3.1989. According to the applicants, their date of commencement of continuous service should have been shown from 29.5.1984, the date from the which they were deputed to APS pursuant to Annexure A2. They also made representations claiming OTBP promotion reckoning their service from 1984. Their representations were rejected by Annexure A6 and A9 orders on the ground that they commenced continuous service in the Department only w.e.f. 14.3.1989 and that the period of service in the APS cannot be counted for the purpose of OTBP promotion. Aggrieved by this, the applicants have filed this application seeking to set aside Annexure A6 and A9 and Annexure A4 to the extent of showing the date of entry in continuous Government service of the applicants as 14.3.1989 and for a declaration that the applicants are entitled to have their service starting from 29.5.1984 counted for time bound promotion.

3. Respondents have filed reply statement resisting the claim of the applicants in which they contend that the applicants having recruited as Postal Assistants, they were given purely temporary adhoc appointment by Annexure A2 order as Postal

Assistants. They were deputed to APS clearly informing them that the applicants would get regular appointment in the Civil with effect from the date from which their immediate junior in the RTP waiting list is appointed on a regular basis, and that the inter-se-seniority would remain unaltered and that as the applicants have commenced regular service w.e.f. 14.3.1989, the claim for grant of OTBP promotion reckoning their service w.e.f. 29.5.1984 is baseless.

4. Respondents have also contended that the Tribunal in OA No.995/97 held that adhoc appointment to a Group D post was only for the purpose of deputation to APS and does not give the applicant any right of lien to post of Group D. Respondents have further contended that in OA No.1178/96 and connected cases, the Tribunal held that RTP service would not count for seniority, regularisation and other service benefits.

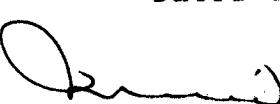
5. We have carefully gone through the pleadings and material placed on record and have heard Shri Vishnu S. Chempazhanthiyil, the learned counsel for the applicant and Shri K. Kesavankutty, the learned counsel for the respondents.

6. On a perusal of material placed on record, we find that the claim of the applicants that the date of their commencement of their continuous service in the grade shown as 14.3.1989 is incorrect and it should be 29.5.1984 has absolutely no force at all. Applicants were not appointed against regular vacancy of Postal Assistants at any date prior to 14.3.1989. By Annexure A2 order, applicants were given purely temporary adhoc appointment as Postal Assistants to enable them to go on deputation to APS making them clearly understood that by the adhoc appointment, they would not get any claim for regular appointment on a date earlier than the date from which their juniors were appointed on

regular basis. It was also made clear in Annexure A2 order that the inter-se-seniority would remain unaltered despite their appointment on deputation to APS. By Annexure A3, applicants were very well informed that their appointment as LRPA would be only prospective. Therefore, merely because of the fact the applicants were appointed purely on adhoc temporary basis for the purpose of their deputation to APS, they would not be entitled to have count their commencement of their continuous service in the Department w.e.f. date they entered the APS. Applicants' claim is highly misconceived. Regarding the claim for promotion under the OTBP Scheme on completion of 16 years service w.e.f 29.5.1984, we find no force in this claim. OTBP Scheme is introduced to give financial upgradation to those who did not get any promotion and stagnating in a grade. In this case, the applicants commenced their continuous service in the Department as Postal Assistants only w.e.f 14.3.1989 and counting service from that date alone the applicants would be eligible for promotion under OTBP Scheme.

7. In the light of what is stated above, the application is without any merit and the same is dismissed. No costs.

Dated the 10th January, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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