

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 572 of 1996.

Thursday this the 13th day of June 1996.

CORUM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

S.R. Murugan,  
Extra Departmental Messenger,  
Chettikulangara,  
Mavelikara - 6,  
residing at:

'Kailas',  
Kandiyoor,  
Thattarambalam.

.. Applicant

(By Advocate Shri S. Krishnamoorthy)

Vs.

1. Union of India represented  
by the Secretary,  
Ministry of Communications,  
Department of Posts,  
Dak Bhavan,  
New Delhi.

2. The Post Master General,  
Central Region,  
Kochi-16.

3. The Superintendent of  
Post Offices,  
Mavelikara Division,  
Mavelikara.

4. Prabhakaran, Group D,  
Postal Training Centre,  
Mysore. .. Respondents

(By Advocate Shri James Kurien, ACGSC)(R.1-3)

The application having been heard on 13th June 1996,  
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant an Extra Departmental Messenger in the Mavelikara Division, seeks a declaration that he is entitled to be promoted against an existing Group 'D' vacancy in the Mavelikara Division. He apprehends that the post may be filled up by transferring another Group 'D' official, thus adversely affecting his promotional prospects.

2. There is no entitlement in the matter of promotion and diminution of chances of promotion does not affect any right. (See Director, Lift Irrigation Corporation Ltd. and others Vs. P.K. Mohanty and others, (1991 (2) SCC 295)).

3. It is for the Departmental authorities to consider how the vacancy should be filled-up, when the rules permit more than one course. The authority must exercise its discretion with due regard to the facts of the case, and due regard to promotional prospects of employees and other relevant considerations.

4. Applicant is permitted to make a representation before respondent Post Master General, and the said Post Master General will consider the facts of the case and pass appropriate orders. The Post Master General will also consider whether the apprehended transfer under Rule 38 of the Posts and Telegraphs, Manual Vol. IV should or should not be made in the meanwhile. We express no opinion on these matters and leave it entirely to the discretion of the Post Master General, which we are confident will be exercised properly.

5. Standing counsel submits that he will forward a copy of the Original Application and a copy of this order to Post Master General for compliance. We record the submission.
6. Original application is disposed of as aforesaid.  
No costs.

Thursday this the 13th June, 1996.

*P.V. Venkatakrishnan*  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

*Chettur Sankaran Nair*  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

rv13/6