

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 576/89
~~XXXXXX~~

189x

DATE OF DECISION 25-6-1990

E.M.Raghavakurup & 3 others Applicant (s)

M/s CS Rajan, P.Sankarankutty Nair &

TV Ajayakumar Advocate for the Applicant (s)

Versus

Union of India and 2 others Respondent (s)

Mr TPM Ibrahimkhan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. M.Y.Priolkar, Administrative Member

&

The Hon'ble Mr. A.V.Haridasan, Judicial Member

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. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Shri AV Haridasan, Judicial Member)

In this application filed under Section 19 of the Administrative Tribunals Act, the applicants 1-3 who are employees of the Postal Department challenge the cadre review of Indian Postal Service Group 'A' which would result in upgradation of certain posts and abolition of certain posts in the junior scale of the IPS. and prays for a direction to the respondents to fill up the existing vacancies in junior time scale and senior time scale in Group 'A' in accordance with Annexure-I order and without regard to the cadre changes sought to be made by Annexure-II and to restrain respondents from downgrading junior and senior time scale post of Group 'A'

into Group 'B' and for the consequential reliefs. In the application it has been alleged that by reason of this cadre review upgradation and abolition of posts, the chances of senior officers in the Group 'B' post like the applicants 1-4 to get appointed to Indian Postal Service Group 'A' will be considerably diminished, and for that reason the proposal to upgrade certain posts and to abolish others should be struck down and the respondents should be directed to proceed with promotion to the junior time scale in accordance with Annexure-I order ignoring the Annexure-II order which has brought about the change. In the reply statement, the respondents have contended that cadre review is undertaken in the interest of administrative convenience and to better ^{the} ~~system~~ and that it was done in accordance with the directions of the Pay Commission. It has also ^{been} ~~contended~~ that by reason of this cadre review, none of the applicants stand to loose anything since there is no likelihood and they being reverted on account of the impugned order being implemented. It is further contended that the fact that the abolition of post and upgradation of certain posts on account of cadre review may result in reduction of number of posts to which the applicants or likely placed persons may aspire from promotion is not ^{a sufficient} ~~reason~~ to place an embargo on the Department from implementing the cadre review which has been found to be congenial to administrative convenience. It has been further ^{contended} ~~that~~ that a similar application has been filed by the Association before the Principal Bench of the Tribunal and that the matter has not yet been admitted.

2. We did not have the privilege to hear Mr. CS Rajan the learned counsel for the applicant who has not appeared today before us. Mr. Thomas John made a request for an adjournment, on behalf of Shri Rajan. But no specific reason was stated by him as to why Mr. Rajan is not present before us. Since the matter is of the year 1989, we consider that an adjournment for no reason will not be in the interest of justice. Hence we have no other choice but to dispose of the application hearing the argument of the learned counsel for the respondents and also pursuing the records.

3. The learned counsel for the respondents has produced for our perusal a copy of the order of the Principal Bench in Application No. OA-2093/89 filed by Postal Officer's Association and another against the Union of India and others. Going through this order, we find that the facts of the case before the Principal Bench and those of this before the Tribunal are identical and challenge in these two cases are against one and the same order. The Principal Bench has after considering the respective cases dismissed the application without being admitted as it thought it not fit to interfere with the orders made by the appropriate authorities in cadre review. We are in respectful agreement with the view taken by the Principal Bench. In view of these circumstances, we do not find any merit in the application which is dismissed without any order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(M.Y. PRIOLKAR)
ADMINISTRATIVE MEMBER

25.6.1990

trs.