

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 115/97

MONDAY, THIS THE 24TH DAY OF JANUARY, 2000.

C O R A M:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K. Velayudhan
Higher Selection Grade II Head Sorting Assistant
Calicut Railway Mail Service/II B
Head Record Office,
Railway Mail Service Calicut Division,
Calicut-673 032.Applicant

By Advocate Mr. O.V. Radhakrishnan

Vs.

1. Postmaster General,
Northern Region,
Calicut-673 011.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Director General of Posts,
Department of Posts,
New Delhi.
4. Union of India represented by
its Secretary, Ministry of Communications,
New Delhi.
5. P.K. Gopalan
Chellattan House
Vettillappally (Via)
Thana, Kannur-670 012.
6. K. Raghavan
Higher Selection Grade II Sorting Assistant
Railway Mail Service Calicut Division
Kannur.
7. A.P. Narayanan
Higher Selection Grade II Sorting Assistant
Head Record Office,
Railway Mail Service Calicut Division
Calicut.
8. Superintendent of Railway Mail Service,
Calicut Division,
Calicut.Respondents
Mr. James Kurian, ACGSC for R 1 to 4 and 8

The application having been heard on 17.1.2000, the Tribunal delivered the following on 24.1.2000.

O R D E R

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant who is a Higher Selection Grade-II Head Sorting Assistant in the Head Record Office, Calicut, has filed this application seeking the following reliefs:

" (i) To call for the records relating to Annexures A8 to A 12 and to set aside the same to the extent they adversely affect the applicant;

(ii) To declare that respondents 5 to 7 who got promoted to the LSG Cadre earlier than the date of promotion of the applicant on the basis of the policy of reservation and the system of roster cannot claim seniority in HSG II on the basis of their seniority in the LSG cadre having been achieved on account of their accelerated promotion applying the rule of reservation;

(iii) To issue appropriate direction or order directing respondents 1, 2 and 8 to restore the rank and seniority of the applicant over respondents 5 to 7 in the Divisional Gradation List Group C Officials of RMS Calicut Division as on 1.7.1996;

(iv) To issue appropriate direction or order directing respondents 1,2 and 8 to permit the applicant to continue as HSG II Head Sorting Assistant at Calicut RMS/II B without regard to Annexures A8 to A 12;

(v) To issue appropriate direction or order which this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case; and

(vi) To award costs to the applicant."

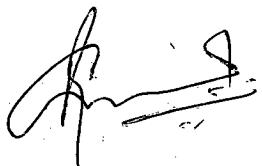


2. The facts which are not in dispute are that the applicant a Scheduled Caste candidate was initially appointed as Time Scale Sorter in the Railway Mail Service (RMS for short) under the P & T Department, Kerala Circle on 25.8.62. He was promoted to Lower Selection Grade cadre (General Line) (LSG for short) on the basis of his running seniority and fitness against a general category vacancy in accordance with the orders contained in Postmaster General, Kerala Circle Memo No. STA/120-15 dated 26.7.78 initially on probation for a period of two years. The promotion of the applicant was on adhoc basis. Later, the promotion of the applicant as LSG was regularised w.e.f. 7.8.78 as per Postmaster General, Trivandrum memo No. STA/120/15/11 dated 12.8.80. Thereafter, the applicant was promoted to Higher Selection Grade-II (HSG-II for short) under the Biennial Cadre Review Scheme (BCR for short) w.e.f. 1.10.91 on completion of 26 years of continuous service in the combined cadre of Sorting Assistant and LSG as per A2 memo dated 1.1.92 of the 8th respondent. Since then, the applicant had been continuing in HSG-II. The private respondents 5 to 7 belong to 'Pulayan' community which was classified as Scheduled Tribe under the Constitution (Scheduled Tribes) order, 1950. The 'Pulayan' was reclassified as Scheduled Caste in accordance with the Scheduled Caste and Scheduled Tribe Orders (Amendment) Act, 1976 which was brought into force on 27.7.77 in terms of Section 1(2) of the said Act. The reclassification was given effect to by the Department in 1979. The 5th respondent entered service as Class IV and was promoted to the cadre of Sorting Assistant on 17.3.66. Respondents 6 and 7 entered service as Time Scale Sorter in RMS, Kerala Circle on 15.12.65 and 16.4.66 respectively. Thus, Respondents 5 to 7 were junior to the applicant. In A3 Gradation list as on 1.7.77 the applicant was

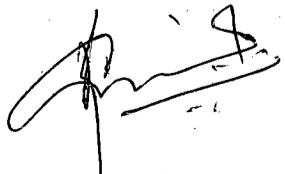
A handwritten signature in black ink, appearing to read 'A. S. J.' or a similar variation, is located at the bottom left of the page.

at Sl. No. 123 and respondents 5 to 7 were at Sl. Nos. 269, 270 and 304 respectively. Further, respondents 5 to 7 were promoted to the LSG cadre against quota reserved for Scheduled Tribe on 12.7.76, 10.7.76 and 11.6.77 respectively under the rule of reservation. On account of their earlier promotion, in A4 seniority list of officiating LSG (General Line) officials as on 1.7.77, the applicant was at Sl. No. 142 whereas the respondents 5 to 7 were at Sl. No. 107, 108 and 110 respectively. On implementation of the BCR scheme w.e.f. 1.10.91, the applicant who completed 26 years of service on 25.8.88 was promoted to the next higher grade in the pay scale of Rs. 1600-2660 w.e.f. 1.10.91-the date on which the BCR scheme was brought on force. Respondents 5 to 7 were also promoted to the grade Rs. 1600-2660 w.e.f. 1.10.91 to fill up the short fall vacancies in the reserved quota as per Directorate letter dated 5.12.91 by A5 order dated 5.11.92 and A6 order dated 4.8.93. P & T Directorate issued A7 letter dated 29.6.94 according to which SC/ST officials not completing 26 years of service but promoted under BCR Scheme by applying reservation order would rank junior to the last person promoted under BCR scheme after completion of 26 years of service.

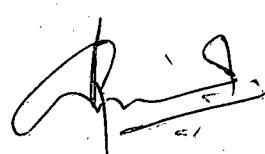
3. The grievance of the applicant is that notwithstanding the clarification issued by the 3rd respondent by A7 letter dated 29.6.94 the first respondent issued A8 letter dated 11.9.96 to the effect that the seniority of the officials promoted to HSG II under BCR scheme should be fixed maintaining their earlier seniority. Further, the 8th respondent issued A9 memo dated 15.11.96 proposing to refix the seniority of respondents 5 to 7 and another in purported implementation of the orders contained in Director General's letter dated 8.2.96. Subsequently, A 10 Gradation List as on 1.7.96 corrected upto



30.9.96 was issued and circulated on 12.12.96 in which the applicant was at Sl. No.14 whereas respondents 5 to 7 were at Sl. No. 5, 6 and 7 respectively. According to the applicant, respondents 5 to 7 were made senior to the applicant in the above Gradation List by applying the wrong rule of seniority. According to the applicant A 10 Gradation List was illegal and inoperative. The 8th respondent also issued A-11 memo dated 20.1.97 to the effect that as per clarification issued by the Directorate, the seniority of officials in the LSG cadre was to be maintained in BCR also. On the basis of A-11, the 7th respondent who was working as HSG-II Sorting Assistant at Head Record Office, RMS, Calicut was arranged to be placed at Head Record Office, Calicut with set as per his position with gradation list with immediate effect as per A 12 memo dated 20.1.97 of the 8th respondent. Applicant submitted that he was working as HSG II Head Sorting Assistant which is a supervisory post and respondent No. 7 was working as HSG II Sorting Assistant in the Operative Cadre. On implementation of A-12 the applicant would be posted as HSG II Sorting Assistant in the Operative Cadre and the 7th respondent would be posted in the place of the applicant as HSG-II Head Sorting Assistant. By doing so, the applicant would have to work under the 7th respondent who was junior to the applicant but was made senior on the basis of A-10 which was per-se illegal and inoperative. According to the applicant A8 could not over-ride A7 and therefore, he was not liable to be displaced from the post of HSG II Head Sorting Assistant which he was holding and unless respondents were directed not to implement A8, A-10, A-11 and A-12 orders, the applicant would be put to irreparable loss and injury.

A handwritten signature in black ink, appearing to be in cursive script, is located at the bottom left of the page. The signature is somewhat stylized and includes a small 'S' at the end.

4. The official respondents 1 to 4 and 8 filed reply statement resisting the claim of the applicant. They submitted that the first respondent issued letter dated 11.9.96 clarifying that the seniority of officials promoted to HSG-II under BCR scheme as per LSG seniority should be fixed maintaining their earlier seniority in the promoted cadre as the date of promotion was effective from 1.10.91. Subsequently, respondent No.8 issued memo dated 5.11.96 refixing the seniority of the respondents 5 to 7 and another in accordance with the orders contained in Director General (Posts)'s letter dated 8.2.96 and a Gradation List as on 1.7.96 corrected upto 30.9.96 was issued and circulated on 12.12.96. While admitting that the applicant was working as HSG-II Head Sorting Assistant which was a supervisory post and the seventh respondent was working as Sorting Assistant in the operative cadre, they submitted that applicant being in the supervisory post, would be allowed to continue in the supervisory posts of HSG/Supervisory in RMS office, but also submitted the applicant may have to work under the 7th respondent because of his position in the Gradation List. They submitted that R1 letter dated 8.2.96 was a modificatory one issued by the Directorate and according to the same, officials whose seniority was adversely affected by implementation of the BCR scheme by placing their juniors in the next higher grade would be considered for next higher scale from the date of their immediate junior became eligible for promotion and that the interse seniority of the officials in the Lower Grade would be kept intact. They further submitted that as per Director General, New Delhi's R2 letter dated 30.3.92 seniority of LSG would be the basis of seniority in HSG-II grade provided that the officials get their placement in HSG-II in their turn and it was on the above circumstances that the seniority of the



applicant was revised and made junior to Respondents 5 to 7 considering the clarification issued vide R1 and R2. According to them the O.A. had no merit and was liable to be dismissed. Respondents further filed a statement through which they produced R3 letter dated 14.1.97 referred to in A-11 and R4 letter dated 24.9.96 issued by the Director (Staff), Department of Posts, New Delhi.

5. Respondents 5 to 7 did not file any reply statement nor were they represented at the time of hearing.

6. Heard learned counsel of the applicant and the official respondents. Learned counsel of the applicant Sri O.V. Radhakrishnan argued the matter extensively after taking us through the pleadings of the O.A. He submitted that Respondents 5 to 7 did not complete 26 years of service as on 1.10.91 and they were promoted to HSG-II under BCR scheme on the respective dates of their completing 26 years of combined service later than 1.10.91. Thus they having been promoted to HSG-II (BCR) on a later date than that of the applicant, were assigned rank and seniority below the applicant. Later on they were promoted to HSG-II to make good the short fall vacancies w.e.f. 1.10.91. As A7 letter dated 29.6.94 of the 3rd respondent had clearly provided that SC/ST officials not completing 26 years of service but promoted to HSG-II by applying reservation order would rank junior to the last candidate who was promoted to HSG-II after completion of 26 years of service and as R-1 letter dated 8.2.96 had not specifically stated that the same applied to SC/ST officials who got promoted to HSG-II against short fall vacancies under BCR scheme before completion of 26 years of service, A8 could not modify A7 order issued by the 3rd respondent. Hence, the change of seniority effected in A-10 Divisional Gradation List based on A8 was illegal and unsustainable and hence A-10 order



was liable to be set aside to the extent it assigned rank and seniority to Respondents 5 to 7 over the applicant. Further, he submitted that though the applicant belonged to S.C. community, he was promoted to LSG cadre against 2/3rd vacancy w.e.f. 17.8.78 under the general category on the basis of seniority and suitability. Respondents 5 to 7 were juniors to the applicant and they got promoted to LSG cadre earlier to the applicant under reserved quota. He submitted that respondents 5 to 7 could not claim rank and seniority over persons like applicant in HSG cadre based on the seniority in LSG cadre which has been achieved by them because of accelerated promotion/appointment by applying Roster. He relied on the law laid down by the Hon'ble Supreme Court in Ajith Singh Januja and Others Vs. State of Punjab and Others (AIR 1996 SC 1189) and Union of India and Others Vs. Virpal Singh Chouhan (AIR 1996 SC 448). Further, he relied on the judgment of the Hon'ble Supreme Court (Five Judges Bench) in the case of Ajit Singh and Others Vs. State of Punjab and Others reported in 1999 (7) SCC 209. He submitted that A8 letter directing to maintain inter se seniority in the LSG cadre on promotion to HSG-II in respect of SC/ST candidates who got promoted to LSG under reservation order was clearly illegal and unsustainable and hit by the ratio of the decisions referred to above. He submitted that in A9 letter dated 15.11.96 issued by the 8th respondent was only an intimation regarding the proposed refixation of the seniority of officials shown therein and no objections were called for against the proposed action and immediately thereafter, the Divisional Gradation List of officials of RMS Calicut Division as on 1.7.96 corrected upto 30.9.96 was issued and circulated on 12.12.96. Thus, he submitted without giving an opportunity of representation the



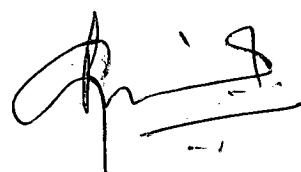
applicant's position in the seniority list had been revised. Learned counsel for the official respondents made his submissions on the basis of the reply statement.

7. We have given careful consideration to the submissions made by the learned counsel for the parties as well as the rival pleadings. We have also perused the documents brought on record.

8. We find that the applicant is seeking the reliefs mainly on three grounds. The first ground is that the respondents 5 to 7 were promoted as HSG-II w.e.f. 1.10.91 against short fall reserved vacancies even though they had not completed the required length of 26 years of service and they would rank junior to the last person promoted under BCR scheme after completion of 26 years of service as per A7 letter dated 29.6.94. Applicant is not disputing that the respondents 5 to 7 are senior to him in the LSG cadre as shown in A4 seniority list. Official respondents are justifying their action on the basis of R1 and R2 letters dated 8.2.96 and 30.3.92 respectively.

9. R1 letter dated 8.2.96 reads as under:

"Time Bound one Promotion Scheme and Biennial Cadre Review Schemes were introduced vide this office letters No. 31-26/83-P.E.I dated 17.12.83, No. 20-2/88/P.E.I dated 26.7.91, No. 22-1/89-P.E.I dated 11.10.91 and No.4-12/88-P.E.I (Pt) dated 22.7.93 with view to improve promotional prospects of employees of the Department of Post. As per these Schemes, officials who complete prescribed satisfactory length of service in the appropriate grades are placed in the next higher grade. Subsequently, it was noticed that some officials e.g. UDCs in the Circle and SBCO, LSG (both 1/3rd and 2/3rd), P.O. & R.M.S. accountants, who were senior before implementation of the schemes were denied higher scales of pay admissible under the Schemes while some junior officials became eligible for higher scale of pay by virtue of their length of service. Some of the affected officials filed applications before various benches of the Central



Administrative Tribunals demanding higher scale of pay from the date of their juniors were made eligible under these schemes.

2. The case has been examined in consultation with the Ministry of Finance, Department of Expenditure. It has now been decided that all the officials, such as, UDCs in the Circle office and SBCO, LSG (both 1/3rd and 2/3rd), P.O. and R.M.S. Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay will now be considered for next higher scale of pay from the date their immediate juniors became eligible for the next higher scale. This will, however, not be applicable to the officials who are senior to those officials, brought on transfer under Rule 38, P&T Manual Vol.IV and are placed in the next higher scale of pay by virtue of length of service.

3. The inter-se seniority of the officials in the lower graded will be kept intact for the purpose of eligibility for promotion to next higher grade.

4. Heads of Circles are requested to settle all such pending cases/representations etc. according to the above guidelines within 60 days of issue of these orders.

5. A compliance report i.e. number of officials benefited (in detail) may be furnished to the Department after implementation of these instructions.

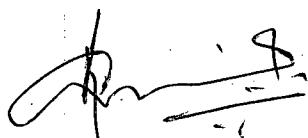
6. This issues in concurrence with the Ministry of Finance, Department of Expenditure vide their I.D. No.5(37) E.III/94 dated 19.12.95 and Internal Finance ADvice SEction vide their Dy. No.418/FA/96 dated 5.2.96.

7. Please acknowledge the receipt of the letter. "

10. If private respondents 5 to 7 were given seniority only as per A7 and not as per para 3 of R1 letter, it will result in an anomalous situation. A7 letter dated 29.6.94 reads as under:

"I am directed to refer your letter No. ST/3/1/(C)/R1g dated 13.1.94 on the above mentioned subject and to state that the SC/ST officials not completing 26 years service but promoted under BCR by applying reservation order will rank junior to the last person promoted under BCR after completion of 26 years of service."

As per this letter the private respondents 5 to 7 will rank junior only to the last person promoted under the BCR scheme after completion of 26 years of service. It follows that they cannot rank junior to the persons who were placed in terms of R1 letter but who had not completed 26 years of service. Therefore, we are of the view that they cannot be denied to



get the protection of R1 letter dated 8.2.96. Further they were admittedly senior to the applicant in the LSG cadre and they have been promoted from 1.10.91. Moreover, in para 5 of R2 letter dated 30.2.92 it is stated as follows:

"The seniority in LSG will be the basis for seniority in HSG.II grade, provided that the officials get his placement in the HSG.II grade in his turn. If his promotion to HSG.II Grade is postponed for one reason or the other, his seniority in HSG.II would be along with those with whom he is promoted subsequently."

In view of the foregoing, we are unable to accept this ground advanced by the applicant.

11. The second ground put forth by the applicant is that the law laid down by the Hon'ble Supreme Court in Ajith Singh Januja and Others Vs. State of Punjab and Others (AIR 1996 SC 1189), Union of India and Others Vs. Virpal Singh Chauhan (AIR 1996 SC 448). We find that the matter regarding seniority of reserved community candidates and general community candidates came to be considered by a Five Judges Bench of the Hon'ble Supreme Court in Ajit Singh and Others Vs. State of Punjab and Others (Ajit Singh II) (1999 (7) SCC 209/1999 (5) SLR 268). In para 88 to 92 of this judgment, the Hon'ble Apex Court held as under:

"88. It is axiomatic in service jurisprudence that any promotions made wrongly in excess of any quota are to be treated as ad hoc. This applies to reservation quota as much as it applies to direct recruits and promotee cases. If a Court decides that in order only to remove hardship such roster point promotees are not to face reversions, then it would, in our opinion be, necessary to hold- consistent with our interpretation of Articles 14 and 16(1)-that such promotees can not plead for grant of any additional benefit of seniority

A handwritten signature in black ink, appearing to read 'A. S. S.' or a similar name.

flowing from a wrong application of the roster. In our view, while Courts can relieve immediate hardship arising out of a past illegality, Courts cannot grant additional benefits like seniority which have no element of immediate hardship. Thus, while promotions in excess of roster made before 10.2.95 are protected, such promotees cannot claim seniority. Seniority in the promotional cadre of such excess roster point promotees shall have to be reviewed after 10.2.95 are protected, such promotees cannot claim seniority. Seniority in the promotional cadre of such excess roster point promotees shall have to be reviewed after 10.2.95 are protected, such promotees cannot claim seniority. Seniority in the promotional cadre of such excess roster point promotees shall have to be reviewed after 10.2.95 and will count only from the date on which they would have otherwise got normal promotion in any future vacancy arising in a post previously occupied by a reserved candidate. That disposes of the prospectivity point in relation to Sabharwal.

Prospectivity of Ajit Singh:

89. Coming to the 'prospectivity' of Ajit Singh, decided on 1.3.96 the question is in regard to the seniority of the reserved candidates at the promotional level where such promotions have taken place before 1.3.96.

90. We have accepted, while dealing with Points 1 and 2 that the reserved candidates who get promoted at two levels by roster points (say) from Level 1 to Level 2 and level 2 to level 3 cannot count their seniority at Level 3 as against senior general candidates who reached Level 3 before the reserved candidates moved upto Level 4. The general candidates has to be treated as senior at Level 3.

91. Where, before 1.3.96, i.e. the date of Ajit Singh's judgment, at the level 3, there were reserved candidates who reached there earlier and also senior general candidates who reached there later, (but



before the reserved candidates was promoted to level 4) and when in spite of the fact that the senior general candidate had to be treated as senior at level 3 (in view of Ajit Singh), the reserved candidate is further promoted to level 4- without considering the fact that the senior general candidate was also available at level -3 then, after 1.3.96, it becomes necessary to review the promotion of the reserved candidate to level 4 and reconsider the same (without causing reversion to the reserved candidate who reached level 4 before 1.3.96). As and when the senior reserved candidate is later promoted to level 4, the seniority at level 4 has also to be refixed on the basis of when the reserved candidate of level 3 would have got his normal promotion, treating him as junior to the senior general candidate at level 3. Chander Paul Vs. State of Haryana (1997 (10)SCC 474) has to be understood in the manner stated above.

92. We hold accordingly on Point 4."

12. In the present O.A. it is not the case of the applicant that the promotion of reserved community candidates is in excess of the quota prescribed. Therefore, we are of the view that para 88 need not be considered. It is para 91 which will be applicable to the applicant and respondents 5 to 7, as all of them were promoted to HSG-II before 1.3.96. The principle of determining the seniority between the general and reserved candidates laid down therein will have to be applied for promotion to grades higher than HSG-II to be made after 1.3.96. According to the applicant the seniority so determined should also be the criteria for in utilisation/posting in the different posts under the respondents. The issue is whether such a claim is legally sustainable?

13. In the case of Dwijen Chandra Sarkar and another Vs. Union of India and Others, the Hon'ble Supreme Court held that time bound promotions are not promotions in the real sense but are only giving higher grade in terms of emoluments while retaining the promotedes in the same category. Learned counsel



for the applicant would argue that while this is so it cannot be stated all the posts in the same pay scales are not equivalent. Relying on the judgment of the Hon'ble Supreme Court in the case of Union of India and Another Vs. S. S. Ranade (JT 1995 (3) S.C.52) he submitted that "in order to decide whether a post is either equivalent or is higher or lower than another post, one cannot look only at the pay scale for that post. One must also look at the duties and responsibilities that attach to such posts." He submitted that the applicant by the change of seniority as in A-10 would be posted to posts which were not supervisory and may have to work under respondents 5 to 7. We have given careful consideration to the submissions made by the learned counsel for the applicant. In S.S. Ranade's case relied upon by the learned counsel for the applicant the Hon'ble Apex Court in para 15 had held "...The beneficiary of selection grade does not thereby occupy a post which is higher in rank than the post earlier occupied by him." In the light of this ruling and the ruling in Dwijen Chandra Sarkar's case we hold that postings in one HSG-II post or other do not involve promotion or reversion especially when the BCR promotion from LSG to HSG-II themselves are not promotions in the way they are understood. It is evident from A-11 and A-12 both dated 20.1.97 that the revision of the seniority list as in A9 had been done so that utilisation of officials in HSG-II is done as laid down in R2 letter dated 30.3.92. As long as A-10 seniority list is issued only for the purpose of utilisation of the officials as in R2 it cannot be stated that the same is violative of the law laid down by the Hon'ble Supreme Court in the case of Ajit Singh II referred to earlier. In view of the foregoing, this ground advanced by the applicant fails.

14. The third ground raised by the applicant is that he was not given reasonable opportunity before effecting changes



in his seniority position. It was submitted that A9 was issued on 15.11.96 and there was no mention of calling for objection against the proposed changes and therefore the revised seniority list issued on 12.12.96 should be set aside being violative of the principles of natural justice. In A9 in the first paragraph it has been stated as follows:

"In accordance with the orders contained in DG New Delhi letter No. 22/5/95-PE-1 dated 8.2.96 communicated vide RO letter No. Staff/57/PA/CO/Rlgs dated 27.2.96 and Staff/57/Dlg/95 dated 11.9.96 seniority of the following officials under Part-VI HSG-II are proposed to refix as follows in the Divisional Gradation list as on 1.7.92."

It is also stated in the endorsement of the memorandum addressed to HRO/all SROs RMS "CT" Division that "All officials at serial 4 to 51 under Part-VI HSG-II in the Gradation List may be informed of the changes under clear acquittance and compliance reported." We also note from A-11 that references were made to the Supdt. RMS, CT Division, Calicut in connection with the seniority of HSG-II of S/Sri K. Velayudan-the applicant herein- and four others of HSG-II (BCR) by four references dated 18.11.96, 21.11.96, 22.11.96 and 23.11.96. This A-11 as well as the wording of A9 gives an indication that opportunity was given to applicant and other similarly situated employees to represent against the proposed revision of seniority. Therefore, we are unable to accept this ground of the applicant that he had not been given an opportunity to represent against the proposed changes in the seniority.

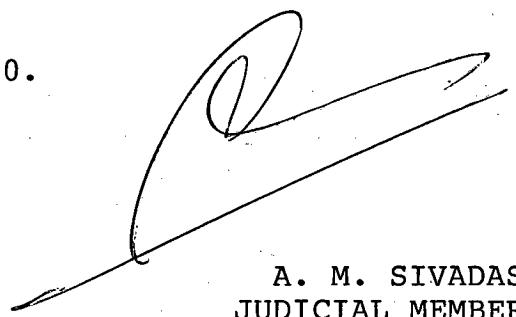
A handwritten signature in black ink, appearing to read "A. S. J."

15. In view of the foregoing, the applicant is not entitled to any of the reliefs sought for and the O.A. is liable to be dismissed. Accordingly we dismiss this O.A. with no order as to costs.

Dated the 24th January, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A. M. SIVADAS
JUDICIAL MEMBER

kmn

List of Annexures referred in this Order

- A2 True copy of the memo No. Bl/25/BCR dated 1.1.92 of the 8th respondent.
- A3 True extract of Circle Gradation List as on 1.7.77.
- A4 True extract of the Circle Gradation list as on 1.7.77
- A5 True copy of the memo No. ST/18/BCR/92 dated 5.11.92 of the 2nd respondent.
- A7 True copy of the letter No. 4-7/94-SPB.II dated 29.6.94 of the 3rd respondent.
- A8 True copy of the Memo No. Staff/57/Dlg/95 dated 11.9.96 of the 1st respondent
- A10 True extraact of the Divisional Gradation List of Grouop C as on 1.7.96
- A-11 True copy of the memo No Bl/25/BCR/IV dated 20.1.97 of the 8th respondent.
- A-12 True copy of the Memo No. Bl/25/BCR/IV dated 20.1.97 of the 8th respondent.
- R1 Copy of the letter No.22-5-95-PE.1 dated 8.2.96 issued by the DG (Posts), New Delhi.
- R2 Copy of letter No.4-4/92/SPB II datead 30.3.92 issued by the DG(Posts), New Delhi.
- R3 True copy of letter No. Staff/57/Dig/95 dated 14.1.97 issued by the office of the PMG, Northern Region, Calicut to the Supdt. RMS 'CT' division, Calicut.
- R4 True copy of letter No. 44-60/96-SPB-II dated 24.9.96 issued by the Director (Staff) Department of Posts, to all Heads of Postal Circles.