

XV

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 14th day of Sept., 99
O.A. No. 13/90

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Gopal, aged about 29 years, son of Shri Sewa Ram, resident of 22/44, Pheel Khana, Kanpur, presently serving as U.D.C, S.B.C.O. Head Post office, kanpur.

Applicant.

None for applicant.

versus

1. Union of India Ministry of Communication through its Secretary, New Delhi.
2. Chief Post Master General, U.P. Circle Lucknow.
3. Sri Radha Krishna U.D.C. H.P.O. Agra Fort.
4. Sri Hiralal U.D.C. H.P.O. Pilibhit.

Respondents.

By Advocate Dr. D. Chandra.

O R D E R (ORAL)

BY D.C. VERMA, MEMBER(J)

By this O.A. the applicant has claimed promotion to L.S.G. cadre w.e.f. 22.6.88 i.e. from the date his juniors have been promoted and for correction of gradation list accordingly with all consequential benefits. As none appeared for the applicant, we have, with the help of learned counsel for the respondents, gone through the pleadings on record.

2. The facts show that the applicant and respondents No. 3 and 4 joinded as L.D.C. on different dates. A test for appointment to the post of L.D.C. was held in 1970. The applicant and the



respondent Nos. 3 and 4 were declared successful. As per the claim of the applicant, he was senior to respondent No. 3 and 4 whereas as per respondent No. 4 he was senior to the applicant. It is however, seen that the applicant and both the respondents No. 3 and 4 were confirmed on the same date i.e. 1.3.1979. A seniority list of L.D.Cs was prepared. A copy of this seniority list has been annexed as Anneuxre A-3 to the O.A. This list shows that the name of respondent No. 3 Radha Krishna is at serial No. 89 and the name of respondent No. 4 Hiralal is at serial No. 84. The name of the applicant is at serial No. 127. This seniority list of L.D.Cs is not under challenge.

3. Subsequently, the applicant and the respondent Nos. 3 and 4 were promoted as U.D.Cs. Promotion to the post of U.D.C. is made, 20% on the basis of seniority cum fitness and 30% on the basis of merit, written test. The remaining 50% on the basis of competitive test. The respondents 3 and 4 were promoted in the 30% quota and the applicant was promoted in 20% quota.

4. As per the Counter affidavit filed by the official respondents, the applicant Gopal was promoted on seniority cum fitness basis vide order dated 20.12.78. The respondent No. 3 Radha Krishna was promoted on merit basis under 30% quota on 20.12.78. However, respondent No. 4 Hiralal was promoted under 30% quota, ~~but~~ vide order dated 16.1.79. Thus, as per promotion order the applicant and the respondent No. 3 were promoted on the same date whereas the respondent No. 4 was promoted on a subsequent date. The applicant has filed a copy of gradation list of U.D.Cs with the Anneuxre A-3 to the O.A. wherein the name of the applicant Gopal appears at serial No. 233 and

the name of respondent No. 3 Radha Krishna appears at serial No. 213. As has been seen, the respondent No. 3 Radha Krishna has been senior to the applicant Gopal as per the gradation list of L.D.Cs. The respondent No. 4 Hiralal was senior to the applicant as L.D.C. but was subsequently promoted as U.D.C., so the name of the respondent No. 4 Hiralal rightly appears in the gradation list at a place below the applicant. The name of Hiralal is at serial No. 244. Thus, there does not appear to be any flaw in the gradation list of U.D.Cs because the names of applicant and the two respondents No. 3 and 4 have been properly placed as per their appointment to the post of U.D.C.

5. As per pleadings, we find that the applicant has claimed seniority on the basis of his initial appointment but that ground cannot be considered at this stage. The seniority, as fixed in the grade of L.D.C was, as has been stated earlier, not under challenge. This question cannot be re-opened after such a long period to disturb the settled position of seniority (B.S. Bajwa and another vs. State of Punjab reported in 1988, S.C.C. (L&S) 611).

6. In view of the discussions made above, we find no merit in the O.A. and the same is dismissed. Costs easy.



MEMBER (A)



MEMBER (J)

Lucknow; Dated: 14.9.99

Shakeel/