

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 70 of 2007**

Reserved on 4.3.2014  
Pronounced on 11<sup>th</sup> March, 2014

**Hon'ble Mr. Navneet Kumar, Member-J  
Hon'ble Ms. Jayati Chandra, Member-A**

N.K. Gupta, aged about 70 years, S/o Sri Merhi Lal (retired SSPOs Kanpur City), R/o Adarsh Nagar, Deokali, Faizabad.

.....Applicant

By Advocate : Sri R.S. Gupta.

Versus.

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Sri R.K. Pal, APMG (Staff), O/O Chief Postmaster General, U.P. Lucknow.
4. Director General, Postal Services, Dak Bhawan, Sansad Marg, New Delhi. 110001.

.....Respondents.

By Advocate : Sri S.P. Singh.

**O R D E R**

**Per Ms. Jayati Chandra, Member (A)**

The applicant has filed this Original Application under Section 19 of Administrative Tribunals Act, 1985 seeking the following relief(s):-

(i) *"That this Hon'ble Tribunal may kindly be pleased to quash the order dated 16.2.2006 and 11.7.2008 as contained in Annexure no. 1-A and 1-B and direct the Opposite parties to consider promotion of the applicant to HSG-I cadre w.e.f. 2.10.1988 from the date juniors were promoted with all consequential service benefits retrospectively alongwith arrears of pension, pay and all other retiral dues with interest @ 24%.*

(ii) *Any other relief deemed just and proper in the circumstances of the case and with cost of O.A."*

2. The facts of the case, as averred by the applicant, are that he had joined the department on 8.6.1961, was promoted as PA (Clerk) on 1.8.1963 and was posted to IPOs cadre in 1969. The applicant was further promoted to ASPOs cadre in the pay scale of

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Rs. 550-750/- earlier to his juniors S/Sri H.L. Gupta and K.L. Kelan who were placed at sl. Nos. 79/83 and 102/105 in the seniority list. The name of the applicant was placed at sl. No. 67/71. It is alleged that the applicant was not considered for next level of promotion to HSG-I cadre in the pay scale of Rs. 2000-3200/-against the vacancies for the year 1986-87 and 1988. The DPC held for filling up these posts had considered his juniors S/Sri H.L. Gupta and K.L. Relhan w.e.f. 2.10.1988 and 3.1.1989 respectively. Although, the applicant was eligible for promotion to HSG-I cadre, he was prevented for being considered on the pretext that he was working in P.S. Group B cadre on adhoc basis w.e.f. 31.10.1988. This fact resulted in his supersession by his juniors and recurring financial loss in pay and salary as well as in pensionary benefits. The applicant had preferred several representations for such up-gradation and finally informed vide letter dated 18.12.2006 that his representations have been turned down.

3. The respondents have filed their Counter Reply stating therein that the DPC for consideration to HSG-I cadre was held on 12.10.1988 and Sri H.L. Gupta and K.L. Relan were promoted in HSG-I cadre. The case of the applicant was not considered in that DPC as he had been promoted in PS Group 'B' cadre on adhoc basis on 7.10.1988. The applicant by accepting his adhoc promotion in the PS. Group 'B' cadre had foregone an opportunity for being considered in HSG-I cadre. Had he not been accepted the adhoc promotion in PS Group 'B' cadre, he would have been definitely considered for the said promotion. In compliance of interim order passed by this Tribunal dated 20.2.2007, the respondents have considered the representation of the applicant and decided the same vide order dated 11.7.2008 in which it has been clearly demonstrated that the applicant had claimed parity with his juniors as they have been promoted to ASPOs cadre in February, 1982; whereas the applicant was promoted as PS Group 'B' cadre on 31.10.1988 on adhoc basis and regular basis w.e.f. 24.5.1989. He was promoted to IPO cadre posted at Kanpur on 1.8.1995 and retired on attaining the age of superannuation on 31.8.1995 Sri R.G. Verma, junior to him, was promoted to HSG-I cadre as per roster point available. Infact the case of the applicant

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is at par with his next junior Sri N.S. Bist in the general category, who was also promoted to P.S. Group 'B' cadre on regular basis w.e.f. 24.5.1989 i.e. the same date on which the applicant was regularly promoted in P.S. Group 'B' cadre. Further, the pay anomaly with regard to Sri R.G. Verma and the applicant are not the same as detailed in para 8 of the said letter dated 11.7.2008.

4. Rejoinder Reply has been filed by the applicant reiterating the averments made by the respondents in their Counter Reply.

5. We have heard the learned counsel for the parties and have perused the pleadings on record.

6. The applicant has sought parity with his junior Sri H.L. Gupta and K.L. Relan, the respondents have stated that in the department there was two stream of promotion; one directly from the cadre of ASPO to HSG-I cadre and other from ASPO to PS Group 'B' cadre and promotion to one stream debars the persons from being considered for promotion to other stream. Although, no service rules to substantiate the same has been produced either by the respondents or the applicant. The applicant has denied the contention of the respondents in his Rejoinder and has produced a copy of office Circular no. 20 dated 9.3.1972 which lays down the protocol for exchange of mail between Indian and people 'Republic of Bangladesh'. It does not touch upon the Recruitment Rules on the Promotion Rules as are applicable to him while he has made a claim for consideration of promotion to HSG-I cadre. He has not comprehensively demonstrated by means of production of service rules as to grant for making the claim for being considered for promotion to HSG-I cadre when he was already working in PS Group 'B' cadre.

8. In view of the above, we do not find any merit in the claim of the applicant, hence the O.A. is dismissed. No costs.

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**(Ms. Jayati Chandra)**  
**Member-A**  
Girish/-

*VR. Arora*  
**(Naveent Kumar)**  
**Member-J**