

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 172/91

Surendra Nath Srivastava

Applicant

versus

The Chief Post Master General
U.P. Circle, Lucknow and others

Respondents.

Shri S.N. Saxena Counsel for Applicant.

Shri Dinesh Chandra Counsel for Respondents.

CORAM

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant entered the service of Postal Department as Postal Assistant in the year 1964. In the year 1984 he was promoted to the post of Assistant Post Master in the scale of Rs 1400-2300. As he acquired the additional qualification for the post of Accountant, having passed the departmental examination in the year 1973, the employees were considered for further promotion after their confirmation on the post, on which they were working whether from the date of first appointment or the post acquired after promotion, although in service confirmation is needed only once and the department once confirmed 29 officials and regarding rest the matter was reserved and rather deferred. In the confirmation list, according to the applicant, junior to him were confirmed but his case was not considered.

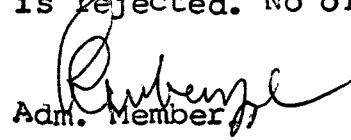
U.C.

In the promotion from the post of Assistant Post Master(Accounts) and Assistant Post Master(General line) to H.S.G II the list included the name of the persons junior to the applicant but the name of the applicant did not find place. The applicant made representations against the same on 9.8.89 but he was promoted on adhoc basis with the stipulation that the same will not confer him any right. He was confirmed with effect from 1.3.84 and thus, he was given due seniority and confirmation with retrospective effect. A charge sheet was given to the applicant for minor penalty in May/June, 1990. The applicant was awarded the punishment of stoppage of increment for six months. He filed an appeal which, according to the applicant, was not replied to. Vide order dated 2.5.91, the applicant was reverted to the post of Assistant Post Master(Accounts) from the post of H.S.G II without following the procedure. It is this reversion which has brought him before this Tribunal.

2. The respondents have tried to justify their action by saying that the promotion in H.S.G. II was made on adhoc basis on a particular condition. He was not found fit for regular promotion by the Confirming authority and that is why he was reverted. It has not been specified by the respondents that who was the authority and whether the applicant's promotion required any consideration.

3. The applicant having been confirmed with

effect from 1.3.84 with retrospective effect, he maintained his due seniority as he maintained his seniority, as his juniors were promoted on regular basis, his case for promotion should have been considered in that light. It has not been stated whether the juniors were found fit. It appears that the applicant was facing a minor penalty and that is why he was not found fit. After the penalty period was over, the applicant's case ought to have been considered for promotional post, he having been confirmed in the year 1984. The respondents are directed to consider the case of the applicant to the promotional post at least after penalty period expired. In case the applicant is entitled for promotion and the post is existing, he will be promoted within 3 months of the receipt of the copy of this judgment. But for the above, this application is rejected. No order as to costs.


Adm. Member


Vice Chairman

Shakeel/

Lucknow: Dated: 24.8.92