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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW, UTTAR PRADESH

OA No.438/1992

Lucknow, this 13th day of February, 2001

Hon'ble Mr. Rafiquddin, JM
Hon'ble Mr. M.P. Singh, AM

Radhey Shyam Pandey
667, Shyam Nagar (Nehipur)
Sultanpur

.. Applicant

(By Mr. S.C. Misra, Advocate)

Versus

Union of India, through

1. Secretary
Dept. of Posts, Min. of Communications
Sansad Marg, New Delhi
2. Chief Post Master General, UP Circle
Lucknow-226 001
3. Superintendent, Post Offices,
Sultanpur Division, Sultanpur

.. Respondents

(By Dr. D. Chandra, Advocate)

ORDER (oral)

By Mr. Rafiquddin

By filing this OA, the applicant has challenged the validity of the order dated 1.7.1992 annexed as Annexure I to the OA issued by the Superintendent, Post Offices, Sultanpur Division (Respondent No.3). Applicant claims that by the said order, he has been reverted from the post of Lower Selection Grade Supervisor (LSGS, for short) carrying pay scale of Rs.1400-2300 to a lower grade of Postal Assistant Clerk carrying pay scale of Rs.975-1660 arbitrarily and without show cause notice.

2. Briefly stated, the grievance of the applicant is that he is entitled for promotion to the next grade of HJS-II and sufficient posts in that grade are available for promotion of officials working for the last 10 years in LSGS cadre including the applicant but the respondents have reverted him and promoted junior most officials out of the Postal Assistants, a foreign cadre, irregularly

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and in contravention of the rules on recruitment. Applicant has also claimed that the respondents in implementing the BCR scheme commencing with effect from 1.10.1991, are promoting officials from basic operative group cadre to HSG-II cadre carrying pay scale of Rs.1600-2660 simply on the ground of length of service of 26 years ignoring qualifications, job advertisement and experience and skill of LSG supervisors 1/3rd quota and their seniority in the feeder cadre in an arbitrary manner as a result, promotion of the juniors ignoring the claim of the applicant is being made and the applicant is being discriminated.

3. However, it appears that during the pendency of this OA, the applicant has been promoted in HSG-II in the pay scale of Rs.1600-2600 with effect from 1.1.93. The applicant claims that he should be promoted from 1.10.91 i.e. the cut off date for basic operative group cadre.

4. We have heard the learned counsel for the parties and perused the records.

5. By an amendment, the applicant has also deleted the original relief and has sought directions to be issued to the respondents to promote him to HSG-II cadre with effect from 1.10.91 providing him service benefits viz. seniority and arrears of pay etc.

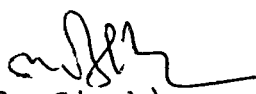
6. On this point, the learned counsel for the applicant has brought to our notice a communication dated 9.6.94 (Annexure A-1 to RA) issued by the **Chief** Postmaster General, UP stating inter alia that the supervisory posts which were held by the incumbents prior to issue of these orders dated 30th March, 1992 will continue to be held by the respective incumbents and they will not be disturbed. It is contended on the basis of the contents of this letter

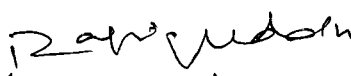
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that the applicant who was in LSGS cadre is also entitled for promotion in HSG-II with effect from 1.10.1991.

7. Learned counsel for the respondents has, on the other hand, pointed out that certain punishment order was passed against the applicant in a departmental enquiry and therefore he could not be granted the benefit of promotion with effect from 1.10.1991. Since there is no material on record to show that the applicant was punished or his promotion to HSG-II ^{R. WAS} ~~has been~~ made after considering the alleged punishment order,

it cannot be definitely stated as to how the punishment will affect the promotion of the applicant in HSG-II. Since the applicant claims that he is entitled for his promotion from 1.10.1991 on the basis of the instructions issued in the aforesaid communication dated 9.8.94, this OA is disposed of with the directions to the respondents to consider the claim of the applicant afresh in the light of the communication dated 9.8.94 and pass suitable speaking orders within a period of three months from the date of communication of this order. There will be no order as to costs.


(M.P. Singh)
Member(A)


(Rafiuddin)
Member(J)

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