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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 1138 of 1991

Krishna Kumar Chaturvedi Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava,V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava VC)

Vide order dated 7.5.1991 issued by the Chief Postmaster General, U.P. Lucknow whereby the applicant has been intimated that he has been assigned seniority in the L.S.G. Cadre against 2/3rd quota for vacancies for the year 1977-78 vide order dated 15.4.80. The applicant who has retired from service, started his service in the posts and Telegraph Department in the year 1951. As the applicant was stagnating at the maximum of the time scale i.e. Rs. 480/- per month w.e.f. 7.1.1975 when he became eligible for consideration and promotion to the Lower Selection Grade Cadre in the selection year 1976-77 on the basis of seniority-cum-fitness against 2/3rd quota, but the Departmental Promotion Committee could not be convened in the year 1976-77, 1977-78, 1978-79 and ultimately it was convened in the year 1980 and the applicant was promoted w.e.f. the year 1980. The claim of the applicant is that as he was entitled to be promoted in the vacancies arising against the 2/3 quota of the year 1976-77 he should have been promoted w.e.f. that year and not when the D.P.C.

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met for no fault of him.

2. The respondents have admitted that no D.P.C. met and their explanation is that D.P.C. could not meet in the year 1977 because of instructions issued by the Director General of P & T dated 12.4.1978, seniority of T/S clerks who entered the Department in clerical cadre between 22.6.49 and 21.12.1959 was ordered to be revised according to their length of service in that cadre instead of date of confirmation in clerical cadre in view of the decision of the Supreme Court and circle gradation list of these official was to be prepared and issued accordingly. The position is thus clear, the applicant got promotion. Even after the re-adjustment of the seniority, the seniority may be division wise. The question was as to whether the applicant was entitled to be promoted w.e.f. the year 1976-77 when the vacancies occurred for the first time. Admittedly, the applicant has been promoted in respect of the vacancies in the year 1980, as the promotion was in respect of the vacancies in the year 1976-77. The applicant should have been promoted whenever, the vacancy is existing. Accordingly, the respondents are directed to consider within a period of two months that whether the applicant was entitled for promotion in the year 1976-77 or in subsequent year when the D.P.C. met and in case, he is found entitled w.e.f. the year 1976-77, he will be deemed to have been notionally promoted w.e.f. that date and not from the year 1980, although the applicant will not be

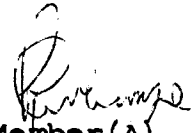
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entitled in his salary from the date of the notional promotion, but he will be entitled to the consequential benefits as the date of promotion will be ante date. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 8.1.1993.

(RKA)