

AM

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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Original Application No. 270/1992.

Harish Chandra

Applicant

versus

Union of India & Others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Jayya, A.M. Member.

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

The applicant is a permanent Postal Assistant at Lucknow. In the year 1978 for promotion against 1/3rd quota of L.S.C., he qualified in the same. He prayed that the respondents be directed to protect the position and emoluments (Pay and allowances) drawn by the applicant and to promote him to the H.S.C.II grade from a date prior to or least the same date from which the officials junior to him in the L.S.C. have been promoted with all consequential benefits and not to disturb him from his present post of S.P.A., Fulsipur where he has not completed his tenure so far.

2. The grievance of the applicant is that the junior persons to him were promoted and the applicant even being senior in the Division as well as in the circle has been superseded and the relief/granted to others and that the respondents have dis obeyed the orders passed by this Tribunal in O.A. No. 346/89. The persons like Shri D.N. Tiwari, K.D. Tiwari and P.N. Tiwari who

in the year 1981 have been promoted. According to the applicant, as a result of promotion of others and supersession of the applicant his pay and allowances have been reduced without any show cause or opportunity of hearing given to him.

3. It appears that the Ministry of Communication vide letter dated 20.5.92, a copy of which has been placed on record addressed to all Post Master Generals it has been provided that the promotion under 'Biennial cadre review introduced in this department w.e.f. 1.10.1991 can not be equate with that of regular promotions as this has not link with the availability of posts in the higher grade.' In the said letter it was also provided that the placement of the officials in a higher scale and for that a pre-requisite is that he should have put in 26 years of service both on the basis of cadre and the next higher cadre put together and he should have come to the next higher cadre as a result of the 'Time bound one promotion scheme' introduced in the Department w.e.f. 30.11.83 i.e. on completion of 16 years of service in the cadre of recruitment. The Government scheme is also placed before us which was issued after discussion with the Unions and the scheme amongst other things also provided biennial cadre review of the authority who controlled this cadre of criteria of promotion will be eligible after

26 years of satisfactory service and the number of posts needed to be upgraded to provide for the promotions required immediately and on 1.7.92, 1.1.93 and 1.7.93 may also be worked out. The second Biennial cadre review will cover the period from 1.1.94 to 31.12.95 and should be completed by 30.6.94. The required number of posts needed to be released in the half yearly instalments on 1.1.94, 1.7.94, 1.1.95 and 1.7.95 to provide promotion to those who would have completed 26 years of service on the four crucial dates will be ascertained and sanctions released in appropriate instalments so that the promotions of eligible officials could be notified on due dates. Regarding special pay/special allowance it has been stated that the special pay/special allowances admissible to various categories under overtime bound promotion scheme will be abolished with the implementation of this scheme w.e.f. 1.10.1991 and it was expected that those who will be promoted after completion of 26 years of service would take over the supervisory responsibilities hitherto performed by the L.S.G. supervisor. The implementation of the scheme is also subject to the condition that the operative strength of the Department would be kept frozen to the maximum extent possible by the judicious scheme of mechanisation and computerisation programme in other areas such as sorting in sorting offices Savitri Bank PLL Post office ACC units and other operations. It is further provided

that while the promotion in the first occasion will be in terms of the existing norms of seniority/cum/fitness subsequent promotions will be subject to some suitable evaluation process and so be evolved in consultation with the staff side.

4. Subsequently, main letter dated 30.3.1992 provided that the seniority in LSG will be the basis for seniority in HSG II grade, provided that the officials get his placement in the HSG II grade in his term, if his promotion to HSG II grade is postponed for one reason or the other, his seniority to H.S.G. II would be alongwith those whom he is promoted subsequently.

5. The question of seniority is to be decided along with relevant rules. In case there is any confusion, the rules will prevail. As the applicant could not complete 26 years of service, he could not be given promotion. His pay will be fixed after considering the case of the applicant. So far as seniority is concerned, obviously the person who is junior in the earlier grade will not be made senior, but anyhow the question of seniority is yet to be decided and it is left to the department to decide the same in accordance with the rules. Application is disposed of with no orders as to costs.

Sum. Member.

Vice Chairman.

Shakeel/-

Lucknow: Dated 4.1.93.