

(9)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

**BOMBAY BENCH**

O.A. No. 571/87  
T.A. No. ----

198

DATE OF DECISION 20-8-1992

N. Krishnamurthi Petitioner

Ms. Ganapathi Advocate for the Petitioner(s)

Versus

Union of India and ors. Respondent

Mr. P.M. Pradhan Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

MD

(M.Y. PRIOLKAR)

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.571/87

N.Krishnamurthi,  
Welfare Officer,  
Office of the Post Master General,  
Maharashtra Circle,  
Bombay - 400 001. .. Applicant

vs.

1. Union of India  
through  
Secretary,  
Dept. of Posts,  
Ministry of Communications,  
Dak Bhavan,  
New Delhi - 110 001.
2. Director General,  
Dept. of Posts,  
Dak Bhavan,  
New Delhi - 110 001. .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,  
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Ms.Ganapathi  
Advocate for the  
Applicant.
2. Mr.P.M.Pradhan  
Counsel for the  
Respondents.

JUDGMENT:  
Per M.Y.Priolkar, Member(A)

Date: 20-8-1992

The applicant while holding a Group C post in the cadre of Inspector of Post Offices/ Post Master in the Department of Posts, appeared for a competitive examination held for selection to the post of Welfare Officer in Group B and was appointed to that post from 18-12-1974. The applicant states that he had written on 23-1-1980 to the Director General, Posts and Telegraphs, requesting that he be considered for selection to Postal Superintendents Service(P.S.S.) Group B which was his normal line of promotion but there was no reply to it. The applicant's grievance is that though he had not given any option at any time to come over to the cadre of Welfare Officer

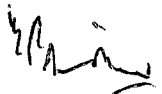
or to relinquish his right on his earlier cadre of Inspector of Post Offices(I.P.O), he has been confirmed in the cadre of Welfare Officer, ignoring his requests for repatriation to the parent cadre. The prayer in this application is for a declaration that the applicant is deemed to have been selected in P.S.S. Group B in 1980 with seniority from 1974 and consequential benefits including consideration for promotion to Indian Postal Service Group 'A'.

2. The respondents have stated that the posts of Welfare Officers were filled in on a regular basis and not on transfer on deputation basis and when these officials were confirmed in the grade of Welfare Officers, their lien in the parent cadre was terminated. According to the respondents, these officials preferred to be confirmed as Welfare Officers (in Group 'B') as till that time their seniors in the parent cadre were working in Group 'C'. It was only in 1980, that is almost six years later, that some seniors and juniors to the applicant in IPO's cadre were promoted to P.S.S. Group B and subsequently in the year 1986, some of them were promoted to Group A. The respondents have also stated that the applicant did not raise any issue at the time of his confirmation as Welfare Officer but started making representation subsequent to his confirmation when his lien in the earlier cadre had become terminated, and hence there was no scope to consider the applicant's request for repatriation to his original cadre.

3. The question which arises for our determination in this case is, therefore, whether the applicant could not have been validly confirmed in the post of Welfare Officer. From the mode of filling up the post of Welfare Officer, it is evident that candidates for appointment to that post were selected on a regular long term basis through a competitive examination. Even if the applicant had any misconception that his appointment to that post was on deputation basis, he should have asked for transfer back to his original cadre of I.P.O. after three or four years, which is the normal tenure for deputation. He was confirmed in the post of Welfare Officer by order dtd. 31-3-1980. But the applicant did not choose to represent against this order of confirmation at that time but requested by letter dated 12-2-1982 for the first time either to merge the cadre of Welfare Officer with PSS Group B or transfer him to P.S.S. Group 'B' with the benefit of the length of service rendered by him in the Welfare Officer's post. Obviously, with the applicant's confirmation in the post of Welfare Officer in 1980, he had no claim to any transfer or promotion in his original cadre, while the issue of merger of the two cadres was a policy decision to be taken by Government and neither of these requests was, therefore, accepted by the respondents. The applicant's contention is that he had written to the Director General, Posts & Telegraphs on 23-1-1980 that he may be considered for selection to PSS Group B bringing to the notice of the Director General that he was also permitted to appear for the examination proposed to be held in 1976 for selection to PSS Group B. Evidently, if the

examination for PSS Group B was held after the applicant was confirmed as Welfare Officer by order dated 31-3-1980, he had no right to appear for that examination, as he had severed his connection with his earlier post of I.P.O. on his confirmation as Welfare Officer. The repatriation to his parent cadre, prior to confirmation as Welfare Officer, could have been only to the post of I.P.O. and not to P.S.S. Group B, for which passing of <sup>a</sup>written examination was an essential requirement. But no such request for repatriation as I.P.O. seems to have been made by the applicant at any time before his confirmation as Welfare Officer. Having regard to the totality of the facts and circumstances in this case, we have, therefore, to reject the applicant's contention that he was not validly confirmed as Welfare Officer.

4. In the result, the application cannot succeed and is dismissed with no order as to costs.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(S.K. DHAON)  
Vice-Chairman

MD