

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

X/CLAXXNO.
T. A. No. 40/88

198

DATE OF DECISION 28.6.1991Baliram B.Ramteke PetitionerApplicant in person Advocate for the Petitioner(s)

Versus

The Chairman, Post and Telegraph Board, viz. Director Gen. of Post & Tel., New Delhi RespondentMr. Ramesh Darda Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S.CHAUDHURI, Member (A)

The Hon'ble Mr. D.SURYA RAO, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? } No
4. Whether it needs to be circulated to other Benches of the Tribunal ? } No

P.S. Chaudhuri
(PS CHAUDHURI)
M(A)

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, CAMP AT NAGPUR.

TR.APPLICATION NO.40/88.

Baliram B. Ramteke,
56/A, Kasturba Nagar,
Bhopal - 462 024.

.. Applicant.

V/s.

1. The Chairman,
Post and Telegraph Board,
viz. Director General of Posts,
and Telegraphs, New Delhi,
Dak Tar Bhavan, New Delhi-1.
.. Respondents.
2. The Post Master General,
General Post Office,
Bhopal (MADHYA PRADESH).
.. Respondents.

Coram : Hon'ble Shri D. Surya Rao, Member (J)
Hon'ble Shri P.S. Chaudhuri, Member (A).

Appearances:

Applicant in person.

Mr. Ramesh Darda Darda for
Respondents.

JUDGEMENT

DATED: 28-6-1991

(Per : Hon'ble Shri P.S. Chaudhuri, Member (A))

This application has come to the Tribunal by way of transfer from the Nagpur Bench of the Bombay High Court in terms of its order dated 21.7.1988 on Writ Petition No. 2467/79 which was filed before it on 23.7.1979. In it the petitioner (applicant) who was working as Superintendent of Posts, Postal Store Depot, Nagpur is challenging the All India Select List of Superintendent of Post Offices, Group 'B' dated 27.4.1979 which does not contain his name.

2. The applicant belongs to a Scheduled Caste. He was appointed as a Clerk in the Post and Telegraph Department

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in the then Madhya Pradesh in 1951. By order dated 19.6.1958 he was posted as officiating Inspector of Post Offices (for short IPO), Ambikapur. In the seniority list as on 1.7.1972 of IPOs, etc. who passed the Inspector's examination held upto 1957, compiled in accordance with the provisions of the recruitment rules for appointment to Postal Superintendent's Service, Class II, the applicant was shown at Sl. No.229. The post of IPO is the feeder cadre for posts in the Postal Superintendent's Service, Class II. While the applicant was working as IPO at Chindwara, where he had been transferred, the post of Assistant Superintendent (HQ) was sanctioned for Chindwara Postal Division in June, 1974. The applicant being the seniormost IPO available on that Division was posted against this post as ASP. (HQ), Chindwara purely on ad hoc and local basis as a temporary measure till Circle arrangements could be made in that behalf. In the meantime, the applicant came up for consideration for promotion to the post of HSG II (IPO Line) on Circle basis and by order dated 17.7.1974 he was posted as Postmaster (HSG. II), Shahdol. The applicant was considered along with other officials for promotion to HSG Cadre by the Departmental Promotion Committee (for short, DPC) which met on 23.8.1972. The recommendation in respect of him was kept in a sealed cover as a disciplinary case was pending against him at that time. On finalisation of this case (which ended in a penalty of 'Censure') by order dated 30.8.1974 he was promoted to HSG and posted as ASP (HQ), Bhopal and assigned seniority above Shri D.P. Shrivastava. The applicant was also considered along with other officials for promotion to the Postal Superintendent's Service, Class II by the DPC which met on 24 and 29.12.1972. The officials who



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found a place in the select panel prepared by this DPC were either senior to the applicant or received a higher assessment than the applicant. The applicant was again considered for the Postal Superintendent's Service, Class II by the DPCs which met December, 1973 and September, 1975 but on both these occasions he was assessed as being not yet fit for promotion. However, on 18.9.1975 the applicant was promoted to a post in the Postal Superintendent's Service Group B on purely ad hoc basis by way of Circle arrangement. By order dtd. 22.9.1978 he was allowed to cross the first Efficiency Bar in the Group B scale of Rs.650-1200 with effect from 1.9.1977. Another DPC was held in March 1979 to draw select panels for promotion against vacancies on year to year basis for the years 1974, 1975, 1977 and 1978. It may be mentioned that there were no vacancies for 1976. The applicant was considered for promotion for each of these years but could not find a place based on his seniority/grading. It may be mentioned here that one Mr. V.K. Dhir who not a reserved community candidate and who did not find a place in the panels for 1974 and 1975 did find the place in the panel for 1977. Thereafter, the impugned select list was issued on 27.4.1979.

3. Being aggrieved the applicant filed this Writ petition on 23.7.1979. The respondents have opposed the writ petition by filing their return. We have heard the applicant in person and Mr. Ramesh Darda, learned Counsel for the respondents.

4. It is the applicants' contention that according to the para 2 (i) of the instructions dated 3.8.1979 issued in

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amplification of the Postal Superintendents' Service (Group 'B' posts) Recruitment Rules, 1979 it was incumbent on the government to prepare the select list of candidates, for the post of Postal Superintendent Group 'B' on the basis of the marks obtained by the candidate in the Inspectors' Examination. The portion of the said instruction applicable to the applicant reads as follows:-

" The marks obtained by the Inspectors of post offices/IRMS at the Inspector's Examination will form the basis for determining the seniority in the eligibility list; officials of the earlier examinations being senior to officials of subsequent examinations."

A plain reading of this instruction makes it clear that the applicants' contention is wholly misconceived. The instruction means that the seniority list of IPO's will be prepared on the basis of the marks obtained in the Inspectors' examination. A perusal of the seniority list of IPOs etc. as on 1.7.1972 shows that this is precisely what has been done. We, therefore have no hesitation in rejecting this submission of the applicant.

4. The applicants' next submission was in respect of his seniority qua Mr. V.K. Dhir. But, as we have already mentioned earlier, Mr. V.K. Dhir did find a place in the panel for 1977 whereas the applicant did not. Hence, this submission of the applicant, too, must be rejected.

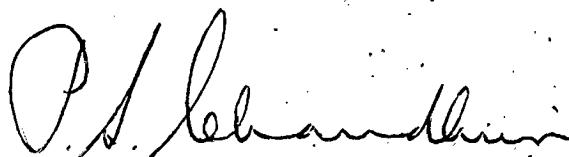
5. The respondents have fairly submitted that in the select list prepared by the March 1979 DPC the name of one officer was erroneously included in the select list as he

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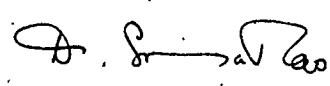
had erroneously been treated as belonging to SC. This error was detected soon after and a Review DPC was convened which included the name of the applicant in the select list. Accordingly, orders regarding his promotion to Postal Superintendents' Service, Group B on regular basis were issued on 24.6.1979.

6. Against this background, it is clear that the applicant has been earning increments regularly in Postal Superintendents' Service Group B ever since his appointment to that cadre, even though on adhoc basis, in 1975 and that he has been regularly promoted to the Postal Superintendents' Service, Group B by order dated 24.5.1979. In this view of the matter we are of the opinion that this transferred application no longer survives.

7. This transferred application is accordingly disposed of as no longer surviving. In the circumstances of the case, there will be no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A).



(D. SURYA RAO)
MEMBER (J).

28-6-1991