

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

R.A. 05 of 2012
[O.A.742 of 2005]

Date: 13th November, 2013.

CORAM
HON'BLE MR. A.K. JAIN, MEMBER(A).
HON'BLE MRS. URMITA DATTA [SEN], MEMBER(J)

Laksman Singh, S/o Late Nand Kishore Singh, Postal Assistant (BCR),
Muzaffarpur H.O. Resident of Village and P.O.-Kajra, P.S. – Kajra, District –
Muzaffarpur.

.....Applicant

By Advocate : Shri J.K. Karn.

Versus

1. The Union of India through the Government of India, Ministry of Communications, Department of Posts, New Delhi Cum the Director General Department of Posts, India, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna – 800001.
3. The Post master General, Northern Region, Muzaffarpur – 842002.
4. The Director of Postal Services, Northern Region, Muzaffarpur-842002.
5. The Senior Superintendent of Post Offices, Muzaffarpur Division, Muzaffarpur.

..... Respondents.

By Advocates: None

ORDER
(ORAL)

A.K. Jain/Member (A)- The R.A. has been filed by the applicant for review of the order dated 24.03.2011 passed in O.A. No.742 of 2005. The ground for seeking review is that in paragraph 8.3 of the O.A., the applicant had prayed for consideration of his case for promotion to HSG-I Cadre from the date of promotion to his juniors but no order on this relief has been passed by the Tribunal

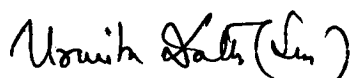
in the operative part of the order. It is, therefore, stated that the order of the Tribunal suffers from the error apparent on the face of record as well as omission, hence the instant R.A.

2. The learned counsel for the applicant states that the applicant was already in HSG-II and hence the prayer for consideration of his promotion to HSG-I vis-à-vis his juniors was also made.

3. We have perused the records and also the order passed by the Tribunal. The Tribunal has recorded all the facts in details and analysed the same. The applicant's prayer in O.A. was to direct the respondents to hold review DPC to consider his promotion to HSG-II Cadre (norm based) from the date his juniors were promoted. Further prayer was to consider his promotion HSG-I vis-à-vis his juniors. It also took note of the fact that the applicant was granted HSG-II under BCR but he was denied consideration for norm based promotion by DPC held on 11.03.2005 on the ground of penalty of stoppage of one increment with cumulative effect which was operative at that time. For promotion to HSG-I, first he should have been promoted to HSG-II (norm based). The Tribunal gave direction for his consideration to HSG-II (norm based) by holding Review DPC. The question of direction to consider promotion to HSG-I would have arise only after he was promoted to HSG-II (norm based) and then fulfilled other required conditions. Hence no direction was considered appropriate.

4. Be that as it may, it is implied that if the applicant has been given consideration for promotion to HSG-II in terms of Tribunal's order and if he has succeeded, he should be considered by the respondents for promotion to HSG-I as per rules.

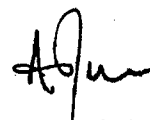
5. The R.A. is disposed of with above observation.



[Urmita Datta (Sen)]

Member [J]

sks/-



[A.K. Jain]

Member [A]