

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO: 703/96

DATE OF DECISION: 6/12/2000

Shri D.H.Bagle

Applicant.

Shri S.P.Kulkarni

-----Advocate for  
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri S.S.Karkera for Shri P.M.Pradhan

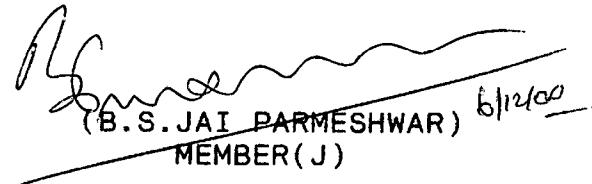
-----Advocate for  
Respondents.

**CORAM:**

Hon'ble Shri B.S.Jai Parmeshwar, Member(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to  
other Benches of the Tribunal?
3. Library.

X

  
B.S.JAI PARMESHWAR 6/12/00  
MEMBER(J)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH  
ORIGINAL APPLICATION NO: 703/96  
DATED THE 6th DAY OF DEC. 2000

CORAM:HON'BLE SHRI B.S.JAI PARMESHWAR, MEMBER(J)  
HON'BLE SMT.SHANTA SHAstry, MEMBER(A)

Shri Dineshmukar Hariji Bagle,  
Senior Post Master,  
Thane Head Post Offices,(Central),  
Thane-400 601.  
R/at : Postmaster's Quarters,  
Thane - 400 601 ... Applicant

By Advocate Shri S.P.Kulkarni

v/s.

Union of India through

1. Superintendent of Post Offices,  
Jalgaon Postal Division,  
Jalgaon - 425 001.

2. Postmaster General,  
Aurangabad Region,  
Aurangabad - 431 002.

3. Chief Post Master General,  
Maharashtra Circle, Old G.P.O. Building,  
2nd Floor, Mumbai - 400 001. ... Respondents

By Advocate Shri S.S.Karkera for  
Shri P.M.Pradhan.

**(ORAL) (ORDER)**

Per Shri B.S.Jai Parmeshwar, Member(J)

Heard Shri S.P.Kulkarni, learned counsel for applicant and Shri S.S.Karkera for Shri P.M.Pradhan, learned standing counsel for respondents.

2. While of the applicant was working <sup>as</sup> Assistant Superintendent Post Offices, he was promoted as Post Master HSG-I, Jalgaon and was posted as Sr.Post Master Thane H.O.vide order No.Staff-A/933/59 dated 7/3/95(page-31). The Superintendent of Post Office, Jalgaon did not relieve the applicant immediately thereafter to report for the post of Sr.Post Master at Thane. The applicant was relieved only on 16/8/95.

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3. Hence he has filed this application for the following reliefs:-

- 8(a) This Hon'ble Tribunal be pleased to call for the records of the promotions (to Postal Services, Group 'B') ordered vide Respondents' Memo dated 07.03.95. (as Sr.Postmaster, Thane H.P.O.) and pass suitable orders on the basis of facts contained therein after considering ratio of Judgements in H.C.Khurana and Kewal Kumar (K.V.Jankiraman) read with N.T. Joseph (Full Bench).
- (b) Hold and declare withholding of promotion (vide letter dated 07.03.1995) upto 21.08.1995 as arbitrary and illegal.
- (c) Direct Respondents to promote the applicant notionally from 7.3.95 with consequential fixation of pay etc.

4. The respondents have filed the reply and also material papers. It is not disputed that when the applicant was promoted by order dated 7/3/95, neither he was under cloud nor a punishment was current, nor a chargesheet was pending. The Respondents could not convince us as to why the Superintendent of Post Offices did not relieve the applicant immediately thereafter.

5. The material papers enclosed to the reply disclose the punishment imposed earlier to 7/3/95 and further it cannot be imagined that the DPC recommended the name of applicant while a charge sheet was pending or punishment was in force. The Sr.Superintendent of Post Offices, Jalgaon was not justified in not relieving the applicant immediately to report to the post of Sr.Post Master, Thane.

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6. Considering these circumstances, we direct the respondents to fix the pay of the applicant in the cadre of Sr. Post Master notionally from 1/4/95.

7. With the above direction, the OA is allowed. No orders as to costs.

*Shanta*  
(SHANTA SHAstry)

MEMBER(A)

*B.S.JAI PARMESHWAR*

MEMBER(W)

*8/11/95*

abp