

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NOS: 302/2000, 314/2000 and 315/2000

On the 15th day of JULY 2003

CORAM: Hon'ble Shri Justice R.R.K. Tridevi - Vice Chairman

Hon'ble Shri Shankar Prasad - Member (A)

1. Ramchandra Shankar Pawar
Residing at Maharashtra Housing
Soc. Nashik. ...Applicant in
OA 302/2000
2. Yadav Waman Gangurde
R/at C/o R.S. Pawar,
Maharashtra Hsg. Society,
Nashik. ...Applicant in
OA 314/2000
3. Shankar Bhaurao Dhikale
R/at Sayyad Pimpri
Taluka - Nashik ...Applicant in
OA 315/2000

By Advocate Shri S.P.Kulkarni.

V/s

1. Union of India through
Chief Postmaster General,
Maharashtra Circle, Old GPO,
Building, Fort, P.O. Mumbai
2. Postmaster General,
Aurangabad Region,
AT P.O. Aurangabad.
3. Senior Superintendent of Post
Offices, Nashik Postal Division
AT P.O. Nashik.
4. Senior Postmaster,
Nashik Head Post Office
At P.O. Nashik ...Respondents

By Advocate Shri V.S. Masurkar.

O R D E R

{Per Shankar Prasad, Member (A)}

We decide to dispose of these three OAs (302/2000, 314/2000 and 315/2000) by a common order as they arise out of same facts and same questions of law are involved.

2. All the three applicants are Staff Car Drivers in Aurangabad division of Postal department. The Chief Postmaster General vide its order dated 6.10.1994 had allocated the post of Staff Car Drivers in Grade I / Grade II to the four region. Pursuant to this the Postmaster General Aurangabad had passed an order dated 23.12.1994 placing three of them as Staff Car Driver Grade II and two as Staff Car Driver Grade-I. These three applicants were placed as Staff Car Driver Grade II by the said order. The respondents thereafter issued show cause notice to quash these ^{and} orders vide orders dated 31.12.1997. ^{these orders were quashed} The applicants are aggrieved by this order.

The case of the applicants in brief is that pursuant to the creation of Regions certain Administrative Powers have been delegated to Regional Postmaster General of each region. The allocation of posts to each region pursuant to Department of Personnel and Training letter dated 30.11.1993 and circulated vide department of post letter dated 23.9.1993 shows that Scheme was to be operated on ^{regional} ~~regional~~ basis. They have sought for ^{multiple} ~~multiple~~ reliefs in para 8.

3. The case of the respondents on the other hand is that the cadre of Staff Car Driver is maintained circle-wise and therefore the promotion had to be given on the basis of circle-wise seniority. It is clear from Annexure-B that such a promotion order was issued ^{before the} Aurangabad region had placed these persons in/

higher scale. Vide their letter dated 30.9.1997 the employees were given an opportunity to show cause and after considering their replies final orders were passed vide order dated 31.12.1997. Thus the applicants have no case on merits. The case is also hit by delay and laches.

4. The same applicants had earlier preferred OA 132/2000 challenging the reversion in terms of this impugned order. The said OA has been decided vide orders dated 8.1.2001. Para 21 of the said order is as follows:

21. We have given our thoughtful consideration to the rival contentions. As far the orders passed by PMG Aurangabad which placed the applicants in MMD Grade I and Grade II are concerned we are of the considered opinion that the same cannot be sustained as those orders were based on regional seniority of Aurangabad alone and not on the combined seniority of entire Maharashtra circle. As such the same has been rightly cancelled.

5. Since the matter has already been decided by Division Bench of this Tribunal the said decision operates as a res judicata.

6. These OAs are accordingly dismissed. No costs.

(Shanakra Prasad)
Member(A)

(R.R.K. Trivedi)
Vice Chairman