

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CIRCUIT SITTING AT PANAJI

Original Application No: 266/92

Transfer Application No: ----

DATE OF DECISION 9-2-1993

T.S.Gasti Petitioner

Applicant in person

Advocate for the Petitioners

Versus

Union of India and another Respondent

None

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Shri Ms.Usha Savara, 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 ?

ND

*Shri*  
(S.K.DHAON)

VC

MD  
NS/

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

CAMP AT PANAJI

O.A.266/92

T.S.Gasti,  
Deputy Post Master,  
Margaon Head Post Office,  
Margao(Goa) 403 601. .. Applicant

-versus-

1. Post Master General,  
Goa Region,  
Panaji - 403 001.
2. Union of India  
through  
Chief Post Master General,  
Maharashtra Circle,  
Bombay - 400 001. .. Respondents

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

Hon'ble Ms.Usha Savara,  
Member(A)

Appearances:

1. Applicant  
in person.
2. None for the  
Respondents.

ORAL JUDGMENT: Date: 9-2-1993  
(Per S.K.Dhaon, Vice-Chairman)

The grievance of the applicant is that persons junior to him in the service had been promoted earlier. Hence this application u/s. 19 of the Administrative Tribunals Act. A reply has been filed on behalf of respondents and rejoinder affidavit too has been filed. The applicant appears in person. He has been heard in support of his application. Somehow or the other the respondents are not represented. However, we have perused the contents of the reply filed on behalf of the respondents carefully.

2. The material facts are these: On 1-7-1960 the applicant was appointed as a Postal Assistant at Kolhapur against the vacancy reserved for SC/ST. He was confirmed in the clerical cadre w.e.f. 1-7-1960. He belonged to the Mahadev Koli community and he hails from Athani village in Belgaum Dist. On 1-7-1960 the said community was not recognised as scheduled tribe community for the purposes of appointment in the reserved quota. His services were regularised as O.C. instead of ST by order dt. 8-11-1977. The SC/ST Amendment Act, 1976 was enforced w.e.f. 27-7-1977. By the said Act the Mahadev Koli community was recognised as a Scheduled Tribe community and therefore the applicant was legally recognised as a member of the ST community from 27-7-1977.

3. The applicant urged that one G.B.Koli was appointed in the year 1962 and yet he is shown senior to him (the applicant). We may note that it is applicant's own case that G.B.Koli too was appointed in the reserved quota of ST and he was considered as a member of the ST from the very inception i.e. from the date of his appointment. On account of the fact that he was a member of the ST he was given promotion earlier to the applicant.

4. On page 27 of the application we find that the applicant represented that S/Shri H.G.Chive, L.P.Dhumal, S.S.Meshram

who have appointed some time between April and July, 1963 were given promotion earlier to the applicant and was shown senior to the applicant. The applicant has very fairly conceded that the aforesaid three persons were also treated from the very inception as members of the ST community. It appears to us that since they were members of the ST community they were given promotion earlier to him right from the beginning.

5. The applicant was subjected to a departmental proceeding. The charge against him was that he submitted a false LTC Bill. The punishing authority stopped his increment for a period of 23 months. The Regional Post Master General reviewed the punishment and enhanced the punishment and directed that his pay should be reduced by one stage for a period of two years. The applicant came to this Tribunal by means of O.A. No.893/89 which was decided on 12-7-90. This Tribunal set aside the order of enhancement of punishment. It however maintained the order passed by the punishing authority. It also directed the respondents to consider the claim of the applicant for promotion to the cadre of HSG-II in accordance with the rules. This was done on 20-7-1990 and the applicant was promoted as HSG-II. We may also note that in the reply filed on behalf of the respondents it is stated that after the enforcement of the aforesaid Amendment Act in 1976 the applicant was considered for reserved post treating him as ST candidate

(b)

in the year 1979 and he was selected as LSG and was posted to Vasco-da-Gama from 15-9-79/8-9-1980. We may also note that though the order was passed in 1979 it was given effect to w.e.f. 20-7-1990.

6. The applicant urged that there was some delay in considering his case for promotion. However, it is not so. We have already indicated that this Tribunal disposed of the O.A. on 12-7-1990 and in pursuance of the direction of this Tribunal steps were taken to consider the case of the applicant for promotion on 20-7-1990. No other point has been pressed in support of this application.

7. We find no force in this application which is dismissed but without any order as to costs.

*Usha Savara*  
(USHA SAVARA)  
Member(A)

*Sunil Dhamon*  
(S.K.DHAON)  
Vice-Chairman

MD