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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 451 of 1993

Between:

Abuzaheer Mahboob Alam,
S/o (Late) Mohd. Yaqoob,
Asst. Accounts Officer,
O/o Director of Accounts (Postal)
Andhra Circle, Hyderabad-500001

... APPLICANT

And

1. Union of India represented by
Secretary to the Government of India,
Department of Postal, New Delhi-1.
2. The Chief Post Master General,
A.P. Circle, Hyderabad.
3. Director of Accounts (Postal),
Andhra Circle, Hyderabad-1.

... RESPONDENTS

Rejoinder
REPLY AFFIDAVIT OF THE APPLICANT

I, Abuzaheer Mahboob Alam, S/o (Late) Mohd. Yaqoob,
Assistant Accounts Officer, Office of the Director of
Accounts (Postal), Andhra Circle, Hyderabad-1, do hereby
solemnly and sincerely affirm and state on oath as follows:

1. I am the Applicant herein and as such, I am well
acquainted with the facts of the case.
2. I state that I had perused the Affidavit under
reply filed by the Respondents; and the allegations
contained therein are neither true nor correct. The
Respondents are put to strict proof of such of those
allegations which are not specifically admitted herein.

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Attestor

Abuzaheer Mahboob Alam
DEPONENT

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3. In reply to Para-2 of the Affidavit under reply, I state that in the O.A. it was clearly brought out that the official was promoted as Junior Accounts Officer on adhoc basis with effect from 13-7-1983 followed by regular appointment on 22-10-1987. The contention of the Respondents that the official was only asked to look after the duties of Junior Accounts Officer is not at all correct and it is only to mislead the fact. It is an open secret that the official was promoted as Junior Accounts Officer in the scale of Rs.500-900 on adhoc basis with effect from 13-7-1983 followed by regular appointment on 22-10-1987 vide Director of Accounts (Postal), Andhra Circle, Hyderabad Letter No.206/Admn.I/EC.I/JAO/Vol.IV dated 12-2-1988 (Enclosed as Annexure-III to the O.A.).

4. In reply to the Paras 3 and 4 of the Affidavit under reply, I am to state that I have sought for justice on the basis of the Judgments passed by various Tribunals and as upheld by the Hon'ble Supreme Court of India. The Junior Accounts Officer Examination is such that it was conducted by the Director General Posts, but not the Circle Head. As such, getting the benefit of Assistant Accounts Officer promotion on par with those passed in other circles cannot be denied if the adhoc service is regularised as regular service in the JAO's scale. This being the fact and also natural justice, the official should be promoted as Asst.Accounts Officer on completion of 3 years service in Junior Accounts-Officer cadre and the seniority be maintained with effect from 13-7-1983 instead of 22-10-1987 for the purpose of All India Seniority.

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Attestor

Deponent

5. In reply to Para 5 of the Affidavit under reply I state that the Respondents put-forth the General conditions and they state that the service of Junior-Accounts Officer constitute the Circle cadre; but they cannot deny the fact that there is no other examination for Accounts Officer Promotion which is an All India cadre and the Accounts Officer promotion (which is an All India cadre) is given only on the basis of service as Junior Accounts Officer, for which the All India JAO Seniority list is specially maintained. In view of the above fact, the Adhoc Service followed by regular absorption should be treated as regular service in JAO cadre and the Applicant's seniority for All India purpose be fixed with effect from 13-7-1983 i.e. the date from which the official is continuously working as Junior Accounts Officer without any reversion or break until his regular appointment on 22-10-1987 so that the Applicant does not forego the benefit of promotions on par with his counterparts anywhere in India.

6. In reply to Para-6 of the Affidavit under reply I state that the Respondents speak about the Junior-Accounts Officer cadre only as Circle cadre. But they are silent about the fact that there is no separate examination for Accounts Officer promotion which is an All India cadre. The JAO seniority list is maintained for All India seniority purpose on the basis of which only the Accounts Officer promotions are given. I therefore pray that this Hon'ble Tribunal may be pleased to direct the Respondents to fix my seniority with effect from 13-7-1983 instead of 22-10-1987 considering the adhoc service as regular, so that I can also get the benefit of justified promotions on par with my counterparts in other Circles.

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7. In reply to Para-7 of the Affidavit under reply, I state that the Respondents have stated only what they have done for giving Assistant Accounts Officer Promotion. But, if the Honourable Tribunal pass orders that the Adhoc service followed by regular absorption be treated as regular service, there will be no hindrance for giving Assistant Accounts Officer promotion on the due date, for which an ordinary process is followed for considering Assistant Accounts Officer promotion after completion of 3 years regular service as Junior Accounts Officer. As there was no othergo, to get the justified benefits from the Department, I am compelled to approach this Hon'ble Tribunal for justice.

8. In reply to Para-8 of the Affidavit under reply, I state that the Respondents plead that allowing the benefit of seniority in adhoc service leads the situation complex in nature and hampers smooth administration. The Hon'ble Tribunal may kindly note this point; and it shows that though the Respondents positively think somewhere in their minds, they do not want to allow the benefit due to their own administrative convenience.

9. In reply to Para-9 of the Affidavit under reply, I state that the Respondents speak about the existing procedure only in the Department, but they cannot deny or give different meanings to the decisions of various Tribunals and Supreme Court of India in respect of the seniority of the officials in the Central Government Departments.

10. In ~~reply~~ to Para-10 of the Affidavit under reply, I state that the Director of Accounts (Postal), Hyderabad

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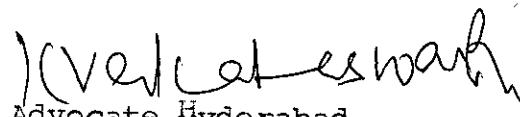
has now adopted the practice of reverting the officials, to whom Adhoc Promotions are being given, after a period of one year or so. But they cannot deny the fact that I had worked as Junior Accounts Officer continuously with effect from 13-7-1983 without any reversion or break until my regular appointment on 22-10-1987 i.e. for a period of more than four years. In view of the various Judgments of Tribunals and Supreme Court of India, and also as there was no mercy from the Department side (from the Respondents side), I pray for justice from this Hon'ble Tribunal.

11. In view of the above, it is therefore prayed that this Honourable Tribunal, in the interest of justice, may be pleased to allow the O.A. and grant relief as prayed for in the above O.A. and make Rule Nisi absolute and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
and signed his name before me
on this the 25th day of
January, 1995 at Hyderabad.


DEPONENT

Before me.


Advocate, Hyderabad.

HYDERABAD DISTRICT

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD

O.A.No. 451 of 1993



Rejoinder

REPLY AFFIDAVIT OF THE
APPLICANT

Rejoinder
7/2/95

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2/2/95

Filed by:
M/s.Y.Suryanarayana,
Meherchand Nori
P.Naveen Rao

(Counsel for the Applicant)

may be filed
on
7/2/95