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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
J A I P U R .

O.A. No.502/1994 : Date of order: 4.8.1995

Trilok Das : Applicant

vs.

Union of India and others: Respondents

Mr. K.L.Thawani : For the applicant
Mr. M. Rafiq : For the respondents

CORAM:

Hon'ble Mr. O.P.Sharma, Member (Administrative)
Hon'ble Mr. Rattan Prakash, Member (Judicial)

O R D E R

(PER HON'BLE MR. O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this application under Section 19 of the Administrative Tribunal's Act, 1985 Shri Trilok Das had prayed that the respondents may be directed to grant proforma promotion to the applicant according to his seniority w.e.f. 6.6.1981 as decided by the Tribunal on 11.3.1993 in OA No.352/92. He has further prayed that the respondents may be directed to promote the applicant to Higher Selection Grade-I w.e.f. 30.6.1986, the date on which his immediate junior Shri Kishan Singh was promoted by amending orders Annexure A-1 and A-7, with all consequential benefits.

2. The applicant's case is that he was appointed in the Postal department on 1.4.1957 as Sorting Assistant, Railway Mail Service and was promoted to Lower Selection Grade w.e.f. 11.11.1974 and to

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Higher Selection Grade-II by order dated 29.9.1979. Shri Kishan Singh, the respondent No.5 who is junior to the applicant was also promoted as Higher Selection Grade-II by the same order. By an order/letter dated 6.6.1981 the applicant's seniority was revised without any show cause notice being issued to him. The applicant approached the Court of Munsif Ajmer City on 18.5.1981 with his grievance in this regard. The suit filed by him in the court of Munsif was transferred to this Tribunal. This transfer application was disposed of by the Tribunal by order dated 11.3.1993 (Annexure A-3) with the direction that with regard to the seniority of the applicant, the status-quo as it existed on 6.6.1981 shall be maintained. Thereafter the respondents promoted the applicant as HSG Gr.I vide an order dated 24.5.1993 granting him the due original seniority as on 6.6.1981 in view of the decision of the Tribunal referred to above. However the applicant has sought promotion to Higher Selection Grade-I from the date his next junior Shri Kishan Singh, the respondent No.5 was promoted to Higher Selection Grade i.e. from 30.6.1986. The applicant's case is that due to restoration of his seniority in view of the order of the Tribunal dated 11.3.1993, the applicant became entitled to promotion from the date his next junior Shri Kishan Singh was promoted to Higher Selection Grade-I.

3. The respondents in the reply have stated that the seniority of the applicant has already been

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revised in pursuance of letter dated 13.4.1978 (Annexure R-1) and the revised gradation list was circulated vide a letter dated 11.6.1987 (Annexure R-2). According to them, the order passed by the Tribunal maintaining status-quo as on 6.6.1981 did not alter the position of the applicant and therefore the said order of the Tribunal could not have any effect on his seniority. They have further stated that though Shri Kishan Singh was junior to the applicant in Higher Selection Grade-II, but Shri Kishan Singh was selected for appointment as Higher Selection Grade-II on the basis of the revised seniority of Shri Kishan Singh vis-a-vis the applicant. They have further stated that the applicant's representation for grant of promotions after the Tribunal's order dated 11.3.1993 has since been considered and the Chief Post Master General has decided to hold a review DPC for consideration of the applicant's claim for promotion to Higher Selection Grade-I w.e.f. 1.7.1986 and the case is under process for holding the review DPC.

4. During the arguments, the learned counsel for the applicant stated that the applicant has not received any communication regarding grant of promotion to Higher Selection Grade-I w.e.f. 1.7.1986 or denial thereof. The learned counsel for the respondents stated during the arguments that since the date of filing of the reply is of 19.5.1995, a review DPC must have been held though

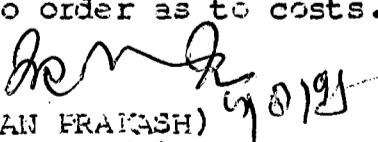
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he is not aware of the latest position in this regard.

5. We have heard the learned counsel for the parties and have perused the material on record. The directions of the Tribunal contained in order dated 11.3.1993 (Annexure A-3) are clear and these are that status-quo as it existed on 6.6.1981 shall be maintained. In other words whatever was the applicant's seniority position on that day should not be disturbed. On the basis of his seniority position as prevailed on 6.6.1981, the applicant is entitled to be considered for promotions. If the review DPC as referred to in the reply of the respondents has already been held, the result of the deliberations of the DPC and the decision of the respondents regarding promotion of the applicant should be communicated to him within a period of one month from the date of receipt of the copy of this order. However, if no review DPC has so far been held, the respondents are directed to take necessary action to hold the review DPC and to take a decision about the promotion of the applicant within a period of four months from the date of receipt of the copy of this order.

6. Original application stands disposed of accordingly with no order as to costs.


(RATTAN PRAKASH)
MEMBER (J)


(O.P. SHARMA)
MEMBER (A)