

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Decision : 01.05.2002

1. O.A. No. 578/1995.

R. C. Meena s/o Shri Sultan Meena aged about 39 years, R/o Village Bhanpur Kalan Via Amer Distt. Jaipur, presently posted as Lower Selection Grade (L.S.G.) Postal Assistant O/o Chief Post Master General, Rajasthan Circle, Jaipur 302 007.

... APPLICANT.

v e r s u s

1. Union of India through Secretary to the Government of India, Ministry of Communication, Department of Posts, New Delhi-110 001.

2. Chief Post Master General, Rajasthan Circle, Jaipur-302 007.

3. Director Postal Services Jaipur Region, Jaipur-302 007.

... RESPONDENTS.

2. O.A. No. 149/2001.

R. C. Meena son of Shri Sultan Meena aged about 44 years, resident of House No. 5, Ashok Chowk, Brahampuri, Jaipur and presently working as H.S.G.-II, P.A. in the office of Chief Post Master General, Rajasthan Circle, Jaipur-7.

... APPLICANT.

v e r s u s

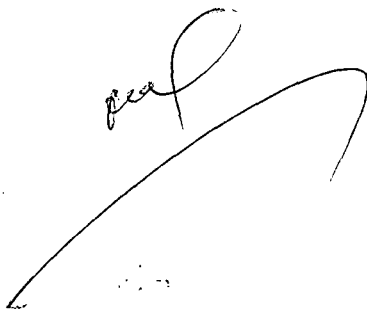
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Shri C. B. Sharma, counsel for the applicant.
Shri R. L. Agarwal, Proxy counsel for
Shri Bhanwar Bagri, counsel for the respondents.

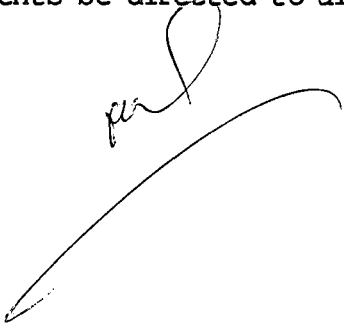


CORAM

Hon'ble Mr. Justice O. P. Garg, Vice Chairman.
Hon'ble Mr. A. P. Nagrath, Administrative Member.

: O R D E R :
(per Hon'ble Mr. Justice O. P. Garg)

The applicant Shri R.C. Meena, who is a ST candidate, was initially appointed in the year, 1977, as Time Scale Clerk. He was posted as Upper Division Clerk in the year, 1984, at Jaipur. In the year 1983, the respondents department introduced the scheme for Time Bound one and second promotion on completion of 16 years and 26 years service respectively to Group 'C' staff of Administrative Offices. The said scheme was effective from 26.06.1993. The applicant opted the scheme from the date of its implementation. He was allowed one Time Bound promotion w.e.f. 27.09.1993. On promotion the applicant was allotted to office of PMG(Eastern Region) Ajmer, for posting against the vacancy of Supervisor by order dated 07.02.1995. The applicant unconditionally declined the promotion by making an application dated 06.03.1995. He, therefore, became disentitled for promotion for a period of one year. It appears that certain juniors to the applicant were promoted. The applicant was debarred by memo dated 07.06.1995 for promotion to higher scale. The applicant made a representation, challenging his reallocation to other region, by memo dated 07.02.1995 and the memo dated 07.06.1995, debarring him from promotion. The representation was rejected by order dated 24.11.1995. By means of OA No. 578/1995 filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that the orders aforesaid be quashed. He further prayed that the respondents be directed to allow the applicant to work



at Jaipur, either on the vacant post of Supervisor or in the higher scale w.e.f. 01.01.1995. He also claimed promotion in higher scale against the shortfall point of ST community for which the applicant was said to be legally entitled.

2. A detailed reply to the various averments have been made in the OA aforesaid, has been filed. The applicant has also filed a rejoinder affidavit.

3. It appears that in course of time, the applicant came to be promoted to the post of HSG-II, P.A., in the office of Chief Post Master General, Rajasthan Circle, Jaipur. By means of another OA No. 149/2001, he is seeking a direction to the respondents to promote him in the higher scale of pay of Rs. 1600-2660 w.e.f. 26.06.1993 with corresponding scale of Rs. 5000-8000 w.e.f. 01.01.1996, from the date, his juniors were promoted vide memo dated 14.02.1997, with all consequential benefits. A detailed reply to this OA(OA No. 149/2001), has also been filed.

4. We have heard the learned counsel for the parties.

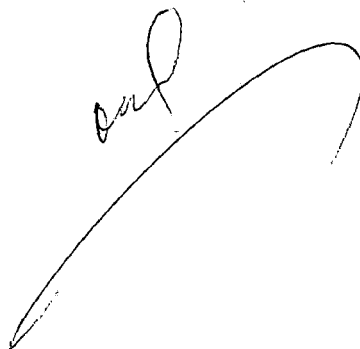
5. Shri C.B. Sharma, learned counsel for the applicant, pointed out that if the second OA i.e. OA No. 149/2001 is allowed and the relief claimed therein is granted, the earlier OA No. 578/1995 would become infructuous, on account of lapse of time as the position which was obtaining in the year 1995 has changed. Since the controversy in both these cases (OA No. 578/1995 and OA No. 149/2001) is common and the fate of the



earlier case of the applicant depends on the second OA, we propose to decide both of them by this common order.

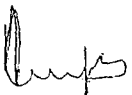
6. It was urged by Shri C.B. Sharma, learned counsel for the applicant, that Shri Jeevan Ram Meena and Dharam Veer Singh, who are admittedly juniors to the applicant have been given the benefit of promotion in the next higher scale of pay of Rs. 1600-2660 w.e.f. 26.06.1993. In substance, the submission of the learned counsel for the applicant is that the applicant is entitled to the same treatment, which has been extended to his juniors. Shri R. L. Agarwal, holding brief for learned counsel for the respondents, pointed out that there has crept in some discrepancy in the promotion of Jeevan Ram and Dharam Veer Singh and, therefore, the department is dealing with the matter in reference to certain representations. The applicant has also made a representation dated 27.02.2001, a copy of which is Annexure A-13 of OA No. 149/2001. The applicant is claiming parity in the matter of promotion, with reference to the benefit extended to his juniors. Since the matter is already under the active consideration of the departmental authorities, the fate of the OA No. 149/2001 would turn around on the outcome of the decision, which the department may take in respect of S/Shri Jeevan Ram and Dharam Veer Singh. The representation of the applicant pending with the respondents has also to receive due consideration.

7. OA No. 578/1995 is liable to be dismissed as the various reliefs claimed in the said OA do not survive on account of passage of time. It has become infructuous. The second OA No.

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149/2001 is premature as the representation of the applicant with reference to the matter of promotion of his juniors particularly that of Shri Jeevan Ram Meena is pending consideration by the respondent department.

8. Dismissing both the OAs (OA No. 578/1995 and OA No. 149/2001) without any order as to costs, we direct that the Respondent No. 2, Chief Post Master General, Rajasthan Circle, Jaipur, or the authority concerned, shall take appropriate decision in the matter of the applicant with reference to his representation dated 27.02.2001, Annexure A-13 (OA No. 149/2001), within a period of 60 days to be reckoned from the date, a certified copy of this order is produced before him. Needless to say, a speaking order shall be passed by the Respondent No. 2 or the competent authority concerned as the case may be, after affording a reasonable opportunity of hearing to the affected persons including the applicant.


(A. P. NAGRATH)
MEMBER (A)


(JUSTICE O. P. GARG)
VICE CHAIRMAN