

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of decision: 07.01.2004

OA No.274/2003

with

MA No.463/2003

S.N.Agarwal s/o Shri Paramanand Agrawal r/o P.No.6, Near SBBJ Officers Colony, Mansarovar, Jaipur-20 presently working as LSG (Supervisor) in the office of the Railway Mail Service, Jp Dn., Jaipur.

.. Applicant

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent, Railway Mail service, Jp. Dn. Jaipur Opp. Radio Station, M.I.Road, Jaipur.

.. Respondents

Mr.P.N.Jatti - counsel for the applicant.

Mr. N.C.Goyal - counsel for the respondents

CORAM:

Hon'ble Mr. M.L.Chauhan, Member (Judicial)

Hon'ble Mr. A.K.Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed the present OA thereby praying for the following reliefs:-

- "8.1 That by a suitable writ order or the direction the impugned order dated 9.6.03 and 12.6.03 be quashed and set-aside and further the respondents be directed to treat the orders of the applicant

by

as the standing orders as below:-

(a) Orders for the posting of normed base LSG (Supervisory) dated 9.5.1995 and HSG-II vide Annexure A/8 and of HSG-II 28.5.2002.

8.2 That as the work of the applicant is quite satisfactory, and the applicant has been working in HSG-II normed base with effect from 28.2.2002 therefore the humble applicant be considered for promotion in HSG-I normed base.

8.3 Any other relief which the hon'ble bench deems fit."

2. Facts of the case are that the applicant was appointed in the Postal Department as Sorting Assistant w.e.f. 31.7.64. On introduction of the Time Bound One Promotion (for short, TBOF) scheme in the Department vide DG, P&T, New Delhi letter dated 17.12.83 (Ann.A6), the applicant was given financial upgradation after completion of 16 years of service w.e.f. 30.11.83 in the pay scale of Rs. 425-640 which was revised to Rs. 1400-2300 w.e.f. 1.1.86 and to Rs. 4500-7000 w.e.f. 1.1.96. The applicant was also granted second financial upgradation in the pay scale of Rs. 1600-2660 under the Biennial Cadre Review (for short, BCR) vide DG, P&T letter dated 11.10.91 (Ann.A7) after completion of 26 years of service w.e.f. 1.10.91 in the pay scale of Rs. 1600-2660, which was revised by the pay scale of Rs. 5000-8000 w.e.f. 1.1.96. Vide memo dated 9.6.03 (Ann.A2) persons named therein were promoted to Lower Selection Grade (for short, LSG) in the scale of Rs. 1400-2300 (pre revised) on notional basis w.e.f. 1.10.1991 and on actual basis from the date of joining on norm based LSG posts on the recommendation of

the DPC. The name of the applicant did not find mention in this list. Vide letter dated 12.6.2003 (Ann.A1), the applicant and persons named therein were informed that their names could not find place in the select list due to unsatisfactory record of service. It is against these orders, the applicant has filed this OA for the aforesaid reliefs.

2.1 The grievance of the applicant is that once the applicant was promoted to LSG cadre w.e.f. 30.11.83 under TEOF scheme after recommendations of the DPC and subsequently he was also given benefit of the BCR scheme w.e.f. 1.10.91 after rendering 26 years of satisfactory service, he could not have been found unsuitable after a lapse of 20 years vide impugned order dated 12.6.2003 (Ann.A1). It was further pleaded that the applicant was also given further promotion. On the basis of this averment, this Tribunal vide order dated 30.6.2003 granted interim order of status-quo as it existed on that day which order is still continuing.

3. Notices of this application was given to the respondents. The respondents have filed reply. In nutshell, the stand taken by the respondents is that the applicant was given the financial upgradation under TEOF/BCR scheme in the grade of Rs. 1400-2300 of LSG after recommendation of the DPC and in the scale of Rs. 1600-2650 after putting 26 years of satisfactory service on account of their stagnation. On introduction of fast track promotion for filling up the Lower Selection Grade/Higher Selection Grade-II post in Post Offices/ Railway Mail Service Offices, the DPC was held in the Circle Office, Jaipur for the purpose of filling LSG norm based posts,

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division wise at regional level w.e.f. 1.10.91 on notional basis to prepare feeder cadre for promotion to HSG-II/HSG-I as per new recruitment rules as no DPC was held for norm based LSG/HSG-II posts after introduction of TROP/ECR schemes. It is further stated that as per recruitment rules, selection for promotion to LSG (norm based) is based on selection method as benchmark is 'Good' while TROP/ECR are not promotions but they are merely placement in next higher scale based on criterion of completion of 16/26 years of service. The placement under TROP/ECR is based on non-selection method as such there is no benchmark. It is further stated that the name of the applicant was in the zone of consideration. The DPC considered the name of the applicant but due to unsatisfactory record of service, his name was not recommended by the DPC for promotion in LSG (norm based) on notional basis w.e.f. 1.10.91. It is further stated that the applicant was never promoted as LSG and HSG-II. The respondents have also filed a Misc. Application which was registered as MA No.463/2003 for vacation of stay order.

4. We have heard the learned counsel for the parties and gone through the material placed on record.

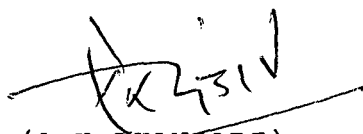
4.1 From the perusal of gradation list of HSG-II officials corrected upto 1.1.99 circulated vide letter dated 30.11.1999 (Ann.A3), the date of birth of the applicant has been shown as 3.1.44 and as such the applicant will be retiring on superannuation on 31.1.2004. Admittedly, the applicant is in the scale of Rs. 5000-9000 being LSG (ECR). Even if it is presumed that the applicant is entitled for promotion against LSG (norm based) post

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in the pay scale of Rs. 1400-2300 (the applicant is already getting this scale from earlier date w.e.f. 30.11.83 on account of financial upgradation under TBOP scheme) w.e.f. 1.10.91 on notional basis and on actual basis on the date of joining on the norm based post, the applicant cannot be considered for further promotion to HSG-II and HSG-I for which the DFC will be held in future, as the applicant will be retiring on superannuation on 31.1.2004. As such, the applicant will not be entitled for further promotion even if the present OA is allowed. In view of this, the present application has become infructuous and is accordingly dismissed.

4.2 The learned counsel for the applicant submits that the applicant is retiring on 31.1.2004. Presently, he was given the charge of HSG-II and in case the interim stay is vacated the applicant may be displaced from that post and as such prays that the interim order may be allowed to continue till 31.1.2004. We see considerable force in the submission made by the learned counsel for the applicant. The interim order granted on 30.6.2003 shall remain operative till 31.1.2004.

5. With these observations, the OA as well as MA stand disposed of with no order as to costs.


(A.K. EHANDARI)

Member (A)


(M.L. CHAUHAN)

Member (J)