

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 509/2003.

Jaipur, this the 25th day of July, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. G. R. Patwardhan, Administrative Member.

M. L. Nagar,
S/o Shri Tulsi Ram
Aged 43 years,
R/o Topdara Near Dubey Clinic,
Ajmer 305001.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India
Through its Secretary,
Ministry of Communication,
Department of Posts, Dak Bhawan,
New Delhi 110 001.
2. The Chief Post Master General,
Rajasthan Circle,
Jaipur 302 007.
3. The Post Master General,
Rajasthan Southern Region,
Ajmer 305 001.
4. Sr. Superintendent of Post Offices,
Ajmer Postal Division,
Ajmer 305 001

... Respondents.

By Advocate : Shri S. S. Hassan.

: O R D E R (ORAL) :

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

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(i) That the respondents may be directed not to fill up the post of Assistant Post Master (Accounts) from General Line Officials and to allow the applicant to hold the post of Assistant Post Master (Accounts) Ajmer H.O. with all consequential benefits.

(ii) The respondents may be further directed to stop making local arrangements from general line officials to manage the post of Assistant Post Master (Accounts) and same should be managed by the Accounts officials.

(iii) That the respondents be further directed to treat the applicant as LSG status officials notionally since 1998 after vacation of posts by qualified officials.

(iv) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(v) That the costs of this application may be awarded."

2. The facts of the case are that the applicant was initially appointed as Postal Assistant in the year 1979. He was given financial upgradation under Time Bound One Promotion (TBOP, for short) in the year 1993 after completion of 16 years of service. It is further stated that the applicant has qualified for the Post Office and Railway Mail Service (RMS, for short) Accountants after passing the departmental examination. The grievance of the applicant is that since he is only qualified Accountant in the Ajmer Division, as such, he should be posted against the post of Assistant Post Master Accounts.

3. Notice of this application was given to the respondents. Respondents have filed reply in which it has been stated that the post of Assistant Post Master (Accounts), LSG (Norm based) held by BCR official wa

converted to HSG-II cadre in the pay scale of Rs.5000-8000 without financial implications vide Chief Post Master General, Rajasthan Circle, Jaipur Memo dated 20.11.2001 (Annexure A/11). It is further stated that the post of Assistant Post Master (Accounts) Ajmer Head Office is of a supervisory cadre and as per recruitment rules, the applicant has even not been promoted to the feeder cadre of the post viz. LSG (Norms based). Under these circumstances, the claim of the applicant is being denied by the respondents.

4. The applicant has filed additional affidavit, in which it has been stated that the applicant has now qualified LSG (Norm based) examination vide Annexure A/16 which has been annexed with the additional affidavit. Learned Counsel for the applicant has also drawn our attention to the circular dated 24.2.2005 vide ^{notch like} circular dated 28.1.2003, has been clarified in the following terms :-

" APM(A/Cs) posts are to be treated as norm based LSG Posts and are to be filled up strictly from among PAs/SAs who have qualified in PO&RAMS Accountant Examination."

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

6. Learned Counsel for the applicant submits that in view of the latest notification dated 24.2.2005 and in view of the fact that the applicant has also qualified the LSG (Norm based) examination as can be seen from

order dated 12.10.2004 (Annexure A/16), as such, he is entitled to be posted against the post of Assistant Post Master (Accountant) Ajmer. Learned Counsel for the applicant has also drawn our attention to representation dated 26.10.2004 (Annexure A/17), which has been addressed to the Principle Chief Post Master General, Rajasthan Circle, Jaipur, which is still pending in which it is stated that the officials promoted to LSG having Account qualification should be considered for posting as APM (A/Cs). In view of this subsequent development and the fact that the representation of the applicant is still pending, it will be in the interest of justice if a direction is given to the Principle Chief Post Master General, Rajasthan Circle, Jaipur, to consider the matter in the light of Circular dated 24.2.2005 and pass appropriate order on the representation of the applicant. Accordingly, the present OA is disposed of with the direction to Respondent No.2 to decide the representation of the applicant dated 26.10.2004 (Annexure A/17) within a period of two months from the date of receipt of a copy of this order keeping in view the instructions dated 24.2.2005.

7. With these observations, the OA is disposed of with no order as to costs.

SPB
(G. R. PATWARDHAN)
ADMINISTRATIVE MEMBER


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./