

D

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JA BALPUR

Original Application No. 1037 of 2005

Jabalpur this the 20th day of July, 2006.

**Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Shri A.K.Gaur, Judicial Member**

Shri R.S.Jat, S/o late Shri Gulab Singh Jat,
Aged about 55 years, working as AHRO
(Officiating) HRO, RMS, "JB" Division,
Jabalpur, R/o 1137, Vijay Nagar, Jabalpur.

-Applicant

(By Advocate – Shri Gopi Chourasia)

V E R S U S

1. Union of India through its Secretary,
Ministry of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, M. P. Circle,
Bhopal (M.P.).
3. The Post Master General, Indore Region,
Indore.
4. Superintendent, RMS, "JB" Division,
Jabalpur.

-Respondents

(By Advocate – Shri A.P.Khare)

O R D E R

By Dr.G.C.Srivastava, Vice Chairman.-

By this Original Application, the applicant has sought the following main relief :-

"(ii) direct the respondents to hold the regular DPC for promotion to the post of AHRO & consider the case of applicant.

G

(iii) Promote the applicant to the said post since 1994 and further pleased to grant the consequential benefits."

2. The applicant's case is that he was appointed as a Sorting Assistant in the Posts & Telegraph Department on 13.5.1973, and after passing the departmental examination, he was appointed as Accountant in the office of the Superintendent, RMS JB Division on 27.9.1983. An order was issued on 14.5.1993 (annexure A/1) promoting him on temporary and adhoc basis as Assistant Head Record Officer (for short 'AHRO') in Lower Selection Grade (for short 'LSG') cadre in the pay scale of Rs.1400-2300 and posting him to M.P. Dn., Bhopal. The applicant declined the promotion as he was not in a position to go to Bhopal (vide annexure A/2). The request of the applicant was accepted by the authorities (vide annexure A/3). Now, the applicant has approached this Tribunal for issuance of a direction to the respondents to hold regular DPC for the post of AHRO and consider him for promotion with retrospective effect from 1994 as a post has been lying vacant since then in M.P. Circle and the respondents have not yet held regular DPC for the vacancy. In fact, the applicant claims that he is presently working as officiating AHRO against one such vacancy.

3. The respondents, in their counter reply, have submitted that, as per the instructions of the Department of Posts, an official is required to opt either for LSG general line or LSG accounts line for further promotion. In the LSG accounts line an Accountant could successively be promoted as LSG accountant, AHRO [Higher Selection Grade (for short 'HSG')-II cadre] and HRO (HSG-I cadre). With effect from 30.3.2001, as per Government of India policy, all the norm-based posts of LSG Accountant were upgraded to HSG-II cadre vide order dated 25.9.2001 (annexure R/1), and now there are no posts of LSG Accountant in the Department of Posts. Since the applicant declined promotion to

G

LSG accounts cadre in 1993, he was placed in BCR cadre (HSG-II) with effect from 1.7.1999 as per his seniority in general line cadre (annexure R-2) under one time bound promotion scheme. This position, in the general line, is in the scale of Rs.5000-8000, which is equivalent to the scale he would have reached, if he was promoted as AHRO in HSG-II. The respondents have further averred that since the applicant is no longer in LSG accounts line, the question of holding DPC for his promotion as AHRO HSG-II in the accounts line does not arise.

4. Heard the arguments advanced by the learned counsel of both parties.

5. It is an admitted fact that an order was issued promoting the applicant as AHRO in LSG cadre in 1993 and posting him to Bhopal (annexure A/1). He declined the promotion (vide annexure - A/2) and his declination was accepted (vide annexure A-3). It was on 31.12.2003 that the applicant submitted a representation to the Chief Post Master General, Chattisgarh for his promotion as AHRO on the ground that there was going to be a vacancy because of retirement of Shri T.R.Samtani and the applicant was the senior most accountant deserving to be promoted to this post. It appears that without considering the applicant's representation, another person J.P.Devangan was promoted as AHRO in 2004. The applicant protested against this appointment (vide annexure A/4 – pages 15 to 22) but the applicant has not received any reply to his representations. Hence, this OA before the Tribunal.

6. From the counter reply, filed by the respondents, it is clear that the post of accountant (Rs.4500-7000) in LSG cadre, has now been upgraded in the HSG-II cadre in the scale of Rs.5000-8000 with effect from 30.3.2001, and even before that the applicant was appointed in the cadre of BCR (HSG-II) (Rs.5000-8000) with effect from 01-07-1999, which is equivalent to AHRO. Regular

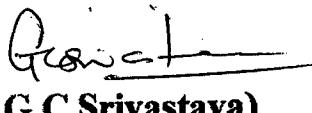
Ar



promotion to AHRO in the accounts line (HSG-II cadre) is to be done from amongst LSG accountants. The post of LSG (accountant) has since been abolished and the applicant has no chance to come back to this line, as all the incumbents of the said post have moved out - either in the LSG accounts line or in the general line. At present, there is nobody in the feeder line who could be considered for regular promotion as AHRO. At the same time, since the applicant, after declining promotion in the accounts line, is already placed in an equivalent scale, the question of his promotion as AHRO (HSG-II) does not arise. We find considerable merit in this argument of the respondents, in as much as in the absence of a feeder cadre, the question of filling up a vacancy at the higher level by promotion does not arise. We wanted to check up this position by perusing the recruitment rules of this post. The copies of the recruitment rules have not been annexed by any of the parties. In view of this, we are not in a position to accept the contention of the applicant that he is entitled to be considered for promotion in the accounts line. Moreover, since he is already occupying an equivalent post in the general line, his demand for shifting to the accounts line in an equivalent post loses its thrust. We are, therefore, of the view that no injustice has been caused to the applicant by the respondents.

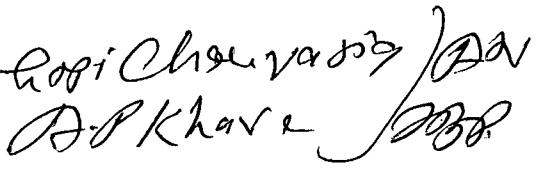
7. In the result, we do not find any merit in the case and the OA is dismissed. No order as to costs.


(A.K. Gaur)
 Judicial Member


(Dr. G.C. Srivastava)
 Vice Chairman

rkv पूर्णांकन रांगो/व्या..... जगलपुर, दि.....
 परिवर्तितिये तांगो दिनांक:.....
 (1) संविधान, उच्च न्यायालय कार एकाडेमीज, जगलपुर
 (2) वार्षिक भू/वीरामी/वरु..... } तो काउंसल
 (3) वार्षिक श्री/वीरामी/वरु..... } को काउंसल
 (4) वर्षाना, दो वर्ष, जगलपुर ज्यामार्क
 सूचना द्वां आवश्यक कृतात्मीयता

अप रजिस्ट्रार


 25/7/06