

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR
Original Application No.624/2003

Hon'ble Mr. M.P. Singh, Vice chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Jabalpur, this the 18th day of February, 2005

K.P. Panigrahi
S/o Late Shri B.P. Panigrahi
Resident of Jagdalpur and
Presently employeed as Asstt Postmaster
(A/Cs) at Head Post Officer
Jagdalpur(CG)

Applicant

(By Advocate – Shri V.Tripathi)

VERSUS

The Union of India and Others

1. The Director General Posts, Dak Bhawan
New Delhi 110001.

2. The Chief Postmaster General C.G. Circle
Raipur-492001

3. The Supdt. Of Post Offices
Bastar Division Jagdalpur 494001.

Respondents.

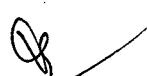
(By Advocate – Shri P.Shankaran)

ORDER

By Madan Mohan, Judicial Member -

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

- “(i) To grant permission to the applicant to appear in the PS Group 'B' Examination 2001-2002 as he is righteously eligible for the same pursuant to letter No. 9-36/92 -SPG dated 29.6.94 issued in para 4(ii) by the respondent No.1(Ann. VIII).
 - “(ii) To withhold conduction (inclusive staying result) of the said examination scheduled to be held on 23.9.2003 and 24.9.2003.”
2. The brief facts of the case are that the applicant was appointed as



Clerk vide order dated 23.7.1975. The department of posts prescribed a promotional prospect for Postal Assistants for promotion in LSG pay scale of Rs.1400-2300/- on completion of 16 years of service w.e.f. 30.11.83 and termed the same as O.T.B.P. Accordingly, the applicant on completion of 16 years of service was promoted on regular basis in the aforesaid L.S.G. Pay scale w.e.f. 1.9.1992. The respondents' department has introduced another promotional avenue caused as B.C.R. for such Postal Assistants on completion of 26 years of service in the pay scale of Rs.5000-8000/- (Revised pay as per Vth CPC). The applicant was also promoted vide order dated 30.7.2001(Annexure -V) w.e.f. 1.7.2001. In order to hold the Departmental competitive examination for promotion for General line officials(6%) and Inspector line officials(19%)to Postal service Gr.'B' for the year 2001-2002 , scheduled to be held on 23.9.2003 and 24.9.2003, the respondent No.2 invited applications from eligible official vide letter dated 12.5.2003. The aforementioned examination was scheduled to be held on 23.9.2003 and 24.9.2003, according to the provisions under the Department of Posts 'Postal Service Group 'B' Recruitment (Amendment) Rules 1993 communicated by the respondent No.1 vide letter dated 29.6.94. According to Para 4(ii) of the said Rule 6% of the total posts are to be filled up on the basis of the same departmental examination from amongst clerical line officials working in the post offices/divisional offices with five years regular service in the lower selection grade and above. The respondent No.2 has not permitted the applicant to appear in the above examination. The applicant in past two occasions was permitted to appear in the above said examination after having been found fit and suitable following on the amended recruitment rules of 1993. The action of the respondent No.2 in depriving the applicant to appear in the examination against the amended recruitment rules is not justified. The applicant cannot be debarred to appear in the above examination, as he has already completed more than 5 years of service in LSG cadre. According to the applicant, the respondents have issued a letter dated 5/8.9.2003 in which it was mentioned that any official who are promoted to LSG or HSG and are having 5 years of service in the HSG either on notional basis or regular basis or in combined of both, would be

eligible for appearing in the departmental competitive examination for promotion to P.S. Group 'B'. The order dated 5/8.9.2003 is arbitrary, unjust and discriminatory. Hence, this OA

3. Heard the learned counsel for the parties.

4. The learned counsel for the respondents has submitted that the present case is squarely covered by the order of Ahmedabad Bench of this Tribunal in case of **Ku.Chandrabala Nanalal Thakkar Vs. UOI & Ors.** passed on 20.10.2004 in OA No.427/2003, wherein it has been held as under :-

“28. While going through the 1991 circular we find that para 2(x) contains a specific clause that LSG Supervisory post will now be filled up by officers placed in the scale belonging to H.S.G.II. The subsequent clarification of March, 1992 and July, 1999 are also to this effect. As the present applicant had obtained her TBOP promotion in 1995, her case is clearly hit by these circulars. It is also to be noted that LSG posts are fixed in number Upgradations have to be given on length of service. These have to be read together. She is not entitled to treat herself as equivalent to LSG post for the purpose of participating in the PSS Group 'B' examination.”

5. On the other hand, the learned counsel for the applicant has stated that the facts of the present case is totally different to the aforementioned OA, which has been decided by the Ahmedabad Bench of this Tribunal.

6. After considering all the facts and circumstances of the case and carefully perusal of the order of the Ahmedabad Bench of this Tribunal, we find that the present OA is fully covered in all fours by the order of the Ahmedabad Bench of this Tribunal dated 20.10.2004 in the case of **Ku.Chandrabala Nanalal Thakkar (supra)**. We direct that the aforesaid order dated 20.10.2004 shall mutatis mutandis applicable in the present case of the present applicant as well.

7. In the result, the OA is devoid of any merit and is accordingly dismissed, without any order as to costs.

(Madan Mohan)
Judicial Member

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....

पत्रिलिपि अव्वे डिग्नेंट :-

(1) सचिव, उच्च व्यायालय जार एसोसिएशन, जबलपुर

(2) आवेदक श्री/श्रीमती/कु.के काउंसल

(3) प्रध्यायी श्री/श्रीमती/कु.के काउंसल

(4) ग्रंथपाल, क्ल.प्र.अ., जबलपुर व्यायालय

सचना एवं आवश्यक कार्यकारी हेतु

(M.P. Singh)
Vice Chairman

TO: P.D.T.H. P.D.N. 07/06
T.S. 11/07/2006
T.S. 11/07/2006

Expedited
21-2-07