

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 335 of 2001

Jabalpur, this the 12th day of May, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Shri S.H. Dhumale, Deputy
General Manager (B.D.), Office of the
Chief Post Master General, Madhya Pradesh
Circle, Bhopal.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, Ministry of
Communication, Through : The Secretary,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi 110 001.

2. Principal Chief Post Master General,
M.P. Circle, Bhopal-462012. ... Respondents

(By Advocate - Shri Om Namdeo)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has
claimed the following main relief :

"a) to direct the respondents to award Senior Time
Scale pay admissible to the applicant from 6.5.1998
with consequential benefits."

2. The brief facts of the case are that the applicant who
is working in the Postal Department was promoted to the
cadre of Postal Superintendent Services Group-B on 5.4.1990.
He was promoted on adhoc basis in junior time scale of
IPS Group-A on 30.5.1995. He was appointed on regular basis
in the Junior Time Scale on the pay scale of Rs. 8000-13500/-
vide order dated 23.7.1998. He was working as DDM (PLI), CO,
was Bhopal with effect from 6.5.1998 on adhoc arrangement then
posted as Deputy General Manager, (BD), Circle Office, Bhopal
vide order dated 31.5.1999 with effect from 2.6.1999. The

applicant was further promoted to the next higher grade of senior time scale Group-A scale of Rs. 10,000-15,200/- with effect from 1.4.2003. The grievance of the applicant is that as he has completed 7 years of service in Group-B and was also placed in the approved panel of junior time scale in 1998, he should have been promoted to the senior time scale from May, 1998. Since the respondents have promoted him in the senior time scale with effect from 1.4.2003 instead of 6.5.1998, he has filed this Original Application claiming the aforesaid reliefs.

3. None is present for the applicant. Since it is an old case of 2001, we proceed to dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. We have given careful consideration to the pleadings of both the parties and we find that the applicant has been working as Superintendent in the Postal Department with effect from 5.4.1990. As per the recruitment rules at Annexure R-I annexed to the additional return on the rejoinder filed by the respondents, the applicant is eligible for promotion to the next higher grade of junior time scale. We further find that as per the recruitment rules the officers of Postal Services are eligible for promotion to the junior time scale after putting in three years of service. The officers in junior time scale in the Postal Department are further eligible for promotion to the senior time scale after putting in four years regular service in the grade of junior time scale. According to the respondents there is another provision for promotion to the senior time scale i.e. promotion of officers of the Postal Superintendents Service Group-B who are on approved list for promotion

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to the Junior Time Scale and have rendered not less than 7 years total approved service in the Group-B or higher posts may be appointed to such posts in officiating capacity on the basis of seniority as purely temporary measure. In this case we find that the applicant has been promoted to the junior time scale vide order dated 23rd July, 1998. He is therefore eligible for promotion to the senior time scale only after putting in four years regular service in the grade of junior time scale as per the recruitment rules. In this case the applicant has put in four years service in the junior time scale only on 23rd July, 2002. Therefore he was eligible for promotion to the senior time scale from 23rd July, 2002. Hence the respondents have rightly promoted the applicant in the senior time scale of Rs. 10,000-15,000/- with effect from 1.4.2003, vide order dated 8th April, 2003. As regards the provision mentioned by the respondents in para 4 of the reply that there is another provision for promotion to the grade of senior time scale, is only in respect of Superintendent who are having 7 years service in that grade and have been placed in the approved list of junior time scale. This is only eligibility to be promoted in Senior time scale Group-A cadre on purely temporary measure, but to consider for promotion, depends on exigency of service which is to be assessed by the competent administrative authority and is not a vested right of the applicant. The applicant was not in the approved list of 6th May, 1998 and therefore he could not be considered for regular promotion to the senior time scale from the date he has claimed in this OA. The action taken by the respondents to promote him in the senior time scale with effect from 1.4.2003 vide order dated 8th April, 2003 is justified and cannot be interfered with.

B.M.

5. In view of the above, this Original Application is without any merit and is accordingly dismissed. No costs.

M.M.
(Madan Mohan)
Judicial Member

M.P.S.
(M.P. Singh)
Vice Chairman

"SA"

कृठांकन सं ओ/ल्ला.....लल्लुर, दि.....
प्रतिजिलिय अमृत (आम -

(1) संस्कार, राजा रामानन्द, नं. १०८, लल्लुर
(2) आमेश्वर, श्री/माती/गु.....के दरांसल V, Jayraman
(3) प्रसाद श्री/माती/गु.....के दरांसल am Nandea
(4) विष्णु, रामानन्द, लल्लुर, लल्लुर
सूचना एवं आवश्यक कार्यकाली देतु Banuelal
निपुणस्वर 19-5-04

Recd
on
20-5-04