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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.140 of 1997

Jabalpur, this the 22nd day of January, 2003.

Hon'ble Mr. Justice N.N. Singh- Vice Chairman
Hon'ble Mr. Sarweshwar Jha- Member (Adminv.)

1. Radhika Prasad Verma S/o Uderam Verma
age about 43 years, working as E.D.
Mail Carrier Kurud Camp (Mandir Hasod)
Permanent resident of Village & P.O.
Mandir Hasod Tahsil and Distt. Raipur.
Present Address: C/o Lily Convent
School, Rajatalab, Raipur.
2. Nathuram Sahu S/o Late Manduram Sahu
age about 46 years, working as E.D.
Branch Postmaster Lahod (Lawan)
District Raipur.
3. Latel Ram Fekar S/o late Narayan
Dhimar age about 50 years, working
as E.D. Branch Postmaster Latuwa
(Baledbazar) District Raipur.
4. Dayaram Sahu S/o Puralal Sahu age
about 51 years, working as E.D.
Mail Carrier, Thargaon (Sankra Jonk)
District Raipur.

-APPLICANTS

(By Advocate- Mr. S.T.H. Rizvi)

Versus

1. Union of India represented through
the Secretary Deptt. of Communications
Govt. of India, New Delhi.
2. Chief Postmaster General
M.P. Circle, Bhopal.
3. Postmaster General,
Raipur Region, Raipur.
4. Director Postal Services
O/o the Postmaster General,
Raipur Region, Raipur.
5. Sr. Superintendent of Post Offices,
Raipur Division, Raipur.
6. C.R. Thakur EDMC Vill. & Post
Kasidahra (Bagbahra) Distt. Raipur.
7. Tijau Ram EDMC V. & P.O. Khaul
(Kharora) Distt. Raipur.
8. Sudama Singh Thakur EDMC Vill. & P.O.
Koshwai (Gariaband) Distt. Raipur.

9. Kumaru Ram Sahu EDMC Vill. & P.O.
Basin (Phingeshwar) Distt. Raipur.
10. S.L. Pradhan EDBPM Vill. & P.O.
Arañgi (Jagdishpur) Distt. Raipur.
11. Shyamlal Sonwani EDBPM Shikari Kasali
(Bhatapara) Distt. Raipur.

-RESPONDENTS

(By Advocate- Mr. S.C. Sharma for
official respondents)

ORDER

By Sarweshwar Jha, Member (Adminv.):

Heard. The applicants (four in number) have approached this Tribunal seeking quashing of the impugned promotional orders placed at Annexure A/1 as well as Annexure A/2 and also for reconsideration of their cases for promotion to the post of Postman/Group 'D' cadre by convening a fresh D.P.C. They have also prayed for the attendant benefits like revision of seniority with reference to the date of promotions of their juniors, pay and allowances etc. in the event of their promotions on re-consideration.

2. The applicants have been working as Extra Departmental Agents (E.D.A.) in Raipur Division under respondent No.5. They have been working in the respondents' organisation for several years, as is indicated in the seniority list of E.D.A., a copy of which is placed at Annexure A/5. They have submitted that the vacancies in the cadre of Postman were to be filled from amongst the E.D. Agents as per the procedure laid down in para (1) (ii) of the Promotion Prospects Section VI Page 110 to 112 of the E.D. Staff for the cadre of Postman/Village Postman. In terms of the said provisions 50% of the vacancies of Postman cadre were

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to be filled from amongst the E.D. Agents. This part of the vacancies was further divided into 50% being filled on the basis of examination and the remaining 50% on the basis of length of service from the E.D. Agents. They have submitted that the said provisions have been further amended to provide for filling of 25% vacancies of the Postman from amongst the E.D. Agents with a minimum of 15 years of service on the basis of seniority. They have made a reference to the instructions of D.G. Posts vide his letter dated 25.8.1993 (Annexure A/9) under which promotion of EDA's to Group 'D' will be on the basis of seniority subject to satisfactory service. Their contention is that they are sufficiently senior to those E.D. Agents, who have been selected for appointment to cadre of postman and Group 'D' cadre vide the orders of the respondents at Annexure A/1 and Annexure A/2 respectively. They have also submitted that their records of service have been satisfactory and that they have completed 15 years of service. On being aggrieved by the orders of the respondents they have submitted representations to S.S.P.O's Raipur vide Annexures A/3 and A/4 and also a notice under section 80 of C.P.C. (Annexure A/10). They have, however, not received any desired response from the respondents, and hence this Original Application.

[Handwritten signature]
3. From the submissions of the respondents, it is observed that as per rules the vacancy position for promotion of Extra Departmental Officials to Group 'D' cadre worked out 08 posts for the year 1996, and for promotion to Postman cadre 02 vacancies were approved by the Post Master General, Raipur vide his letter

dated 25.4.1996 to be filled by Extra Departmental Staff on the basis of selection-cum-seniority. They have given the details of selection against the said number of vacancies, following the Roster Point etc., in the opening paragraph of their reply. From these details, it is observed that selections for filling these posts have been made strictly taking into consideration the Roster Point, seniority and community particulars of the candidates. They have clarified that the only candidate selected against the O.B.C. point at Sl.No.31 in the gradation list stands senior to the applicants. According to them, it is not a case of supersession. In fact, the respondents appear to have informed the applicants of the fact that they have been considered for promotion to the post of Group 'D' cadre by the D.P.C. and that they do not have any legal grievance. They have contended that a senior candidate, who has been found fit, has been selected and therefore, there is no question of any supersession or violation of Article 14 of the Constitution of India.

4. After considering the submissions of both the sides and particularly the relevant provisions for filling the posts of Postman cadre as well as Group 'D' cadre from amongst the Extra Departmental Staff and the fact that the said provisions have been followed by the respondents, we do not find any merit in the case of the applicants and we, therefore, dismiss their Original Application. With this, this O.A. stands disposed of as devoid of any merit, with no order as to costs.

(Sarweshwar Jha)
Member (Admny.)

(N.N.Singh)
Vice Chairman

पृष्ठकल सं ओ/न्या.....जबलपुर, दि.....

परिलिपि अर्थ दिता --

(1) सचिव, जनकपुराण कार सचिवालय, जबलपुर

(2) जालि, जनकपुराण कार सचिवालय, जबलपुर

(3) जालि, जनकपुराण कार सचिवालय, जबलपुर

(4) जालि, जनकपुराण कार सचिवालय, जबलपुर

सूचना एवं आवश्यक कार्रवाई हेतु

Trusted
23/1/03

S. H. Rizvi Rajpur
S. C. Sharma, N.C.

Issued
23.1.03
PS