

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, 07th November, 2005

ORIGINAL APPLICATION NO. 336/2004

CORAM:

HON'BLE MR. A.K. AGARWAL, VICE CHAIRMAN (ADMN.)
HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)

Raghuveer Saran Sharma son of Shri Har Dayal Sharma aged about 48 years, resident of Village & Post Bamanwas Tehsil Bamanwas District Sawaimadhopur and holding the post of EDMC Jahirakline EDBO and presently working as Gramin Dak Sewak Branch Post Master, Jahirakline Branch Post Office under Bamanwas Sub Post Office District Sawaimadhopur.

.....Applicant

By Advocate : Mr. C.B. Sharma,

versus

- 1 Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
- 2 Chief Post Master General, Rajasthan Circle, Jaipur.
- 3 Superintendent of Post Offices, Sawaimadhopur Postal Division, Sawaimadhopur.
- 4 Shri Ramesh Chand Gupta, Gramin Dak Sevak Packer, Piplai now Group -D, under Sub-postmaster, Karauli MDG, Karauli.
- 5 Shri Ramesh Chand Sen, Gramin Dak Sevak, EDDA, Masalpur now Group D, under sub-postmaster, Hindaun Head Post Office, Hindaun.

....Respondents

By Advocate : Mr. Tej Prakash Sharma (Respondents Nos. 1 to 3)
None (Respondents nos. 4 & 5).

ORDER (ORAL)

The applicant has filed this OA thereby praying for the

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following reliefs:-

- (i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to give promotion to the applicant by interpolating his name in Annexure A/1 at appropriate place by deleting name of respondent No. 4 & 5 with all consequential benefits.
- (ii) That the respondents be further directed to consider the case of the applicant before completion of 50 years of age against the vacancies lying vacant for 2003 and 2004 and to allow promotion with all consequential benefits.
- (iii) 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 & circumstances of the case.
- (iv) That the cost of this application may be awarded."

2 Briefly stated, the facts of the case are that the applicant who was working on the post Extra Departmental Mail Carrier was eligible for consideration to the post of Group 'D'. Accordingly he was considered but he could not be appointed. The grievance of the applicant in this OA is that Respondents nos. 4 & 5 have been wrongly considered by the respondents inasmuch as they were over-aged and were not eligible to the post of Group 'D' category. It is on this basis, the applicant has filed this OA.

3. Notice of this application was given to the respondents. The respondents have filed their reply. In Para No. 4.6 of the reply, the respondents have specifically stated that Respondents nos. 4 & 5 both were eligible for promotion to the Group 'D' cadre as per seniority list. According to the respondents, the crucial date of determining age limit is 1st July of the year in which the recruitment is made. It is further stated that none of them had completed 50 years service as on 01.01.2004 and as such they were considered and appointed against Group 'D' category according to the select panel.

(ed)

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Thus according to the respondents, the applicant has no case to agitate the matter.

4 Despite repeated opportunities, the applicant has not filed any rejoinder.

5 The learned counsel for the respondents has brought to our notice an order dated 31.3.2005 whereby the applicant has also been approved for appointment against Group 'D' category.

6 In view of this subsequent development, learned counsel for the applicant submits that he does not want to press this OA at this stage and further submits that liberty may be reserved to the applicant to agitate the matter of seniority.

7 In view of what has been stated above, the O.A. is dismissed as withdrawn with liberty to the applicant to agitate the matter of seniority, vis-a-vis Respondents No. 4 and 5, before the appropriate authority. No costs.


(M.L. CHAUHAN)
MEMBER (J)


(A.K. AGARWAL)
VICE CHAIRMAN

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