

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

24.1.2008

OA 417/2007 with MA 23/2008

Mr. Chetan Bairwa, counsel for applicant.

Ms. Kavita Bhati, proxy counsel for

Mr. Kunal Rawat, counsel for respondents.

Though, vide order dated 9.1.2008, the OA was directed to be listed for hearing on 11.3.2008, but on the request of the learned counsel for the applicant, the same was taken up today.

Heard the learned counsel for the parties. The OA as well as MA both stand disposed of by a separate order.

R.R.Bhandari

(R.R.BHANDARI)
MEMBER (A)

M.L.Chauhan

(M.L.CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 24th day of January, 2008

ORIGINAL APPLICATION NO.417/2008

WITH

MISC. APPLICATION NO.23/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.R.R.BHANDARI, ADMINISITRATIVE MEMBER

Jhabbu Lal Meena
S/o Shri Kanhaiya Lal Meena,
R/o Village Kaled,
Tehsil Baswa,
District Dausa (Raj.).

... Applicant
(By Advocate : Shri Chetan Bairwa)

Versus

1. Union of India through
Chief Post Master General,
Rajasthan Circle,
Jaipur.
2. Superintendent of Post Offices,
Jaipur Mofussil Division,
Jaipur.
3. Sr.Supdt. of Post Offices,
Sirohi Division,
Sirohi.
4. Shri Chuna Ram Meena,
Post Master (HSG-I on Ad hoc Basis),
Dausa H.O.
5. Senior Superintendent of Post Offices,
Ajmer Division,
Ajmer.

... Respondents

(By Advocate : Ms.Kavita Bhati, proxy counsel for
Shri Kunal Rawat)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

- "i) Record relating to applicant to his promotion in HSG-II may be ordered to be called for and placed before this Hon'ble Tribunal for perusal.
- ii) Order dated 7.9.2007 (Ann.A/1) may be declared unlawful setting aside the same as it is placing the applicant in lower selection grade from higher selection grade-II without any reason and without giving any chance of being heard.
- iii) Order dated 12.6.2007 (Ann.A/2) may also be set aside to the extent of posting of respondent No.4 at Dausa H.O. in place of applicant as the applicant is on the verge of retirement. His retirement is going to take place on 30.4.2010 after attaining age of superannuation. The respondent No.4 can be posted at anywhere on the post of Post Master in HSG-I on ad hoc basis as nearly 16 posts are vacant in Rajasthan Circle.
- iv) Direction may be given to respondents to allow the applicant to work on post of Post Master Dausa H.O. in HSG-I on ad hoc basis as earlier with all consequential benefits.
- v) Any other order, which appears to be just and correct, may also be passed in the interest of justice."

2. Grievance of the applicant is that vide order dated 7.9.2007 (Ann.A/1), no doubt, he has been granted promotion from the post of Postal Assistant to the LSG Cadre (Norm based) in the pay scale of Rs.4500-125-7000 but he has earlier been granted financial upgradation and he is drawing higher pay scale than that of Rs.4500-7000. Learned counsel for the applicant pleaded that the applicant does not want this promotion.

3. In view of the statement made by the learned counsel for the applicant as also the prayer made in the OA, the order dated 7.9.2007 (Ann.A/1), so far as

it relates to the promotion of the applicant from the post of Postal Assistant to that of APM, is hereby quashed. The applicant shall ~~be~~ ^{is} continued to draw the pay scale on the post of Postal Assistant, which he was drawing prior to passing of the impugned order dated 7.9.2007.

4. In view of what has been stated above, the OA stands disposed of with no order as to costs.

5. In view of disposal of the OA, no order is required to be passed in the MA, the MA shall also stand disposed of accordingly.



(R.R.BHANDARI)
MEMBER (A)



(M.L.CHAUHAN)
MEMBER (J)

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