

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No.O.A.350/00938/2014

Date of order : 01.07.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

BHOLA NATH MAJUMDAR

VS.

UNION OF INDIA & ORS.

For the applicants : Mr. K. Sarkar, counsel
For the respondents : Ms. M. Bhattacharyya, counsel

ORDER

Per Justice Shri V.C. Gupta, J.M.

Heard Id. Counsel for the parties.

2. The applicant appeared in the selection process along with other candidates to fill up the two vacancies for the post of Postman. After process of selection two persons were selected for appointment namely, Sri Satya Narayan Bhattacharya and Sri Krishnadulal Mondal who were given appointment. Later on it revealed that appointment of Sri Satya Narayan Bhattacharya was wrongly given as he was inducted in service when he was only 17 years old. Therefore, his seniority was reviewed and one year's of his service was excluded. Consequently he lost his seniority and was removed from the post. On the basis of the earlier selection list, the applicant was found entitled to occupy the post as per seniority and accordingly he has been posted on the basis of ^{review} revised DPC against such vacancy on which Sri Satya Narayan Bhattacharya was appointed. However, the benefit of promotion has been granted to the applicant from the date of joining. The claim of the applicant is that he is entitled to be

promoted taking into account the date on which Sri Satya Narayan Bhattacharya was appointed as the has been substituted in his place.

3. We find sufficient force in the submission of the applicant. The applicant was deprived of his dues on account of a wrong which has been acknowledged by the respondents. If such wrong had not been done, the applicant would have been appointed in place of Satya Narayan Bhattacharya.

4. Therefore, we are of the view that the applicant is entitled to get the benefit of promotion from the date Sri Satya Narayan Bhattacharya was inducted in the post of Postman.

5. We make it clear that notional benefits of fixation of pay should be given to the applicant and no actual benefit in terms of money shall be paid to him as arrears of salary since he has not worked on the post of Postman. The order should be complied with by the authority concerned by fixing the notional pay of the applicant and granting the benefit from the date of joining after revising his pay within a period of one month from the date of communication of this order.

5. The O.A. is accordingly allowed. There shall be no order as to cost.

(J. Das Gupta)
Administrative Member

(Justice V.C. Gupta)
Judicial Member

s.b