

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.497/2018

This the 30th day of November, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Shri Mohmed Yasinkhan Mohmedkhan Pathan
DOB 20.5.1975 Age 43 years
S/o. Shri Mohmedkhan Sujatkhan Pathan
Driver Grade-II
O/o. the Superintending Engineer (Civil)
Postal Civil Circle
Naranpura Vistar Post Office Building, Ahmedabad 380 013.
Attached to Manger, Mail Motor Service, Ahmedabad 380 001

Residing at : A-14, Mubarak Society
B/h. Telephone Hotel, Sarkhej Road
Juhapura, Ahmedabad 380 055. Applicant

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India
Notice to be served through
The Secretary to the Govt. of India
Ministry of Communication and I.T
Department of Posts,
Dak Bhavan, Sansad Marg
New Delhi 110 001.

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2. Chief Engineer (Civil) H.Q.
Department of Posts
Dak Bhavan, Sansad Marg
New Delhi 110 001.
3. Superintending Engineer (Civil)
Postal Civil Circle
Naranpura Vistar Post Office Building,
Ahmedabad 380 013. Respondents.

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

The case of the applicant, as has been set out in the OA is that applicant was initially appointed as a Driver in Ordinary Grade on 25.3.2013 and on completion of nine years of service, was promoted as Driver Grade-II on 12.6.2017 and the grievance of the applicant, as reveals, is that as per scheme of promotion, an employee who has completed 15 years of service in total, as Driver in Ordinary Grade or Driver Grade-II or if aggregate of service as Driver Ordinary Grade and Driver Grade-II is fifteen years, he is entitled for promotion as Driver Grade-I and though he is falling in the eligibility criteria, he was not promoted. It is his further grievance that he made several representations to the respondents, to promote him to Driver Grade-I but the same

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remained unheard. Applicant has also preferred application dated 09.07.2018 under RTI, Act, 2005, and in response, applicant was informed vide Annexure A-1 & A-2 that details of sanctioned posts in the cadre of Driver allotted to Postal Civil Circle Coordination, Ahmedabad Circle is being process and that final outcome is still awaited. Hence, prayer has been made to quash and set aside Annexure A-1 and A-2 which are information supplied to the applicant under RTI.

2. The matter is at the stage of notice and at threshold of hearing a query was put to learned counsel for the applicant as to how the information received under RTI can be treating as impugned order, the same are merely information given under RTI and that representation made is of the month of February, 2018 whereas the period of fifteen years of service as driver, according to the pleadings of OA was completing on 26.6.2018 i.e. after about four months of representation so as per pleadings made in OA, how OA, in such situation is maintainable? Learned counsel at this stage submits that he may be allowed to withdraw the OA, with liberty to file fresh representation to the authority and that direction may be given to the respondents authority to consider the representation of the applicant.

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3. Taking note of pleadings and submissions made at Bar and having taken note of the entirety of the matter as well, the OA is dismissed as withdrawn, with liberty to the applicant to prefer the representation afresh to the respondents giving details and in case, representation is preferred by the applicant to Respondents Authority within two weeks from date of this order, the Respondents Authority shall consider the same and to pass appropriate order thereon within three months after receipt of the representation.

4. With above observation and directions, the OA stands disposed off. No order as to costs.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)