

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATIONS NO.170/00415/2019

DATED THIS THE 08th DAY OF APRIL, 2019

HON'BLE SHRI JUSTICE L.NARASIMHA REDDY, CHAIRMAN

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Sri S. Shailesh Kumar,
S/o Late J. S. Keerthy,
Aged: 52 years,
Working as Post Master Grade III
Hampanakatta P.O.
Mangalore – 575 001
Residing at:
2040/1-a,
Near Adarsha School,
Karwar, Padil P.O
Mangalore 575 007.

...Applicant

(By Advocate Shri P.Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi – 110 001.

2. Member (Personnel),
Postal Board,
Department of Post,
Dak Bhavan,
New Delhi – 110 001.

3. Chief Post Master General,
Karnataka Circle,
Bangalore – 560 001.

....Respondents

O R D E R (ORAL)

(JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicant is holding the post of Postman Grade-III since the year 2013. According to the Dept. of Posts, Senior Postmaster(Group B Gazetted), Postmaster (Grade III and II- Group B Non-Gazetted) and Postmaster (Grade I-Group C Non-Gazetted) Recruitment Rules 2010(hereinafter referred to as Rules), the next promotion is to the post of Senior Postmaster(Gr-B)(Gazetted). The eligibility for that is completion of two years of regular service in the post of Postmaster Gr.III.

2. The applicant contends that he became eligible to be considered for promotion to the post of Senior PM in the year 2015, but on account of certain administrative measures for restructuring of the post of Postmaster, the DPC was not conducted. It is stated that on the basis of a draft report submitted by the Committee constituted for the purpose, the Govt.of India addressed a letter dtd.25.2.2019 inviting views/comments from all Heads of Circles. The said communication is challenged in this OA. The applicant contends that a right has accrued to him under the rules of 2010 and by the process undertaken through the impugned order, the respondents are taking away the same.It is also pleaded that there is an element of sub-delegation of powers of the Committee in favour of the sub-committee.

3. We heard Shri P.Kamalesan, Learned Counsel for the applicant at length at the stage of admission.

4. It is no doubt true that the rules as they stand now, provide for promotion to the post of Senior Postmaster from the feeder category of Postmaster Gr.III. The requirement is that the candidate must have completed two years of regular service in the feeder cadre. It is fairly well settled principle of law that an employee does have right to be considered for

promotion as and when it takes place, but he cannot claim promotion as of right. The administration has every right to organize and re-organize the cadres in the department.

5. It is a matter of record that the respondents have initiated steps for re-organizing the post of Postmaster. As of now there are various stages and sub-cadres in relation to that post. A draft report has already emerged and the final decision is to be taken. The respondents wanted to ascertain views from all the circles. This can be said to be the most democratic form of decision making and the applicant cannot have any objection to such an exercise. The letter dtd.25.2.2019 is specifically challenged but hardly any ground acceptable in law is pleaded in that behalf.

6. Though attempt is made by that applicant to contend that there is sub delegation of power, we find it difficult to accept the same. The reason is that he has not pointed out as to under what statutory provision, the first stage of delegation has taken place and at which stage, sub delegation has come into existence. It is a different matter that the applicant shall be entitled to seek enforcement of his rights once the administrative exercise of restructuring the posts is complete.

6. We therefore, dismiss the OA at the admission stage. There shall be no order as to costs.

(C.V.SANKAR)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

/ps/

