

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00168/2015**

Reserved on : 28.03.2019

Date of Order:01.04.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Hazari Rai, S/o Late Ritab Lal Rai, At-Purani Panapur, Via-Digha, PS- Akhilpur,
District- Patna.

.... Applicant.

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the Secretary Cum DG, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (Hq), O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Asstt. Director (Staff & Recruitment), O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Sr. Superintendent of Post Offices, Patna Division.
6. The Superintendent, RMS PT-Division, Patna.

.... Respondents.

By Advocate: - Mr. Arvind Kumar

O R D E R

Per Dinesh Sharma, A.M:- The case of the applicant is that the applicant was ordered to be promoted to the cadre of MTS against unfilled and approved vacancies for the year 2011,2012 and 2013 in the Pay Band -1 Rs. 5200-20200/- + GP 1800 with immediate effect vide order of Superintendent RMS Pt Division Patna dated 28.08.2014 (Annexure A/1). However, he is being denied joining to this post and despite various representations/legal notice sent by him there has been no reply from the

respondents. He has prayed for directing the respondent authorities to permit him to join the post of MTS in terms of the above-mentioned order with consequential benefits.

2. The respondents in their written statement have denied the claim of the applicant. According to them, the afore mentioned order was found to be based on incomplete information produced before the DPC held on 05.08.2014. Since these recommendations suffered from various infirmities enumerated in detail in the written statement such as accepting willingness after the due date without extending the due date for accepting such willingness, seeking willingness from neighbouring divisions though as per rules the neighbouring division should have been the Railway Mail Service Sub Division, and wrongfully considering names of some undeserving candidates while leaving some deserving candidate out of such consideration. Since the recommendations of the DPC suffered from various such defects these proceedings were held null and void by the DPS (HQ) Office of the CPMG, Bihar Circle, Patna. Following this, the promotion of the GDS of the neighbouring Postal Division issued vide the Office Memo dated 28.08.2014 on the basis of recommendations of DPC held on 05.08.2014 have been cancelled by Office Memo No. 1815(B-1/Promotion/MTS/PT/2013) dated 26.02.2015. The request of the applicant is, therefore, cannot be granted.

3. Though various opportunities were given to the applicant to file a rejoinder he has not filed any rejoinder to this written statement.

4. We have gone through the pleadings and heard the learned counsels of both the parties. It is clear from the written statement that the Department has for reasonable and cogent reasons, cancelled the orders of promotion given to the applicant by a subsequent order by dated 26.02.2015 (page 18 of WS) based on the reasons given in Memo. No Staff/GDS/PT Dn.-86/2014 dated 16.02.2015. The applicant has not filed any rejoinder to challenge this cancellation. Since the Department has changed their earlier order for valid reasons which are not questioned by the applicant, the OA is, therefore, dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member