

(2)

**Central Administrative Tribunal, Principal Bench**

**Original Application No.1680 of 2003**

New Delhi, this the 16th day of July, 2003

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member (A)**

B.P. Sharma,  
R/o 18/7, Narain Nagar,  
Etah (U.P.).

.... Applicant

(By Advocate: Shri D.P. Sharma)

Versus

1. Union of India through  
The Secretary-cum-Director General Posts,  
Ministry of Communication,  
Department of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-1
2. The Chief Postmaster General  
U.P. Circle,  
Lucknow-226001
3. The Superintendent Postoffices,  
Etah Division, Etah
4. Shri R.L. Mishra,  
Retd. Sub Postmaster Belanganj, Agra  
R/o Narain Nagar, Etah

.... Respondents

**O R D E R (ORAL)**

**By Justice V.S. Aggarwal, Chairman**

The applicant had earlier claimed seniority vis-a-vis respondent no.4. It becomes unnecessary for us to dwell into the said controversy. Suffice to say that he preferred O.A. 636/87 before the Allahabad Bench of this Tribunal. The said Bench of this Tribunal had allowed the application with the following directions:

"The applicant was approved by the Departmental Promotion Committee for promotion to LSG Cadre dated 23.9.80 at sl.no.41. The latest position as issued in D.G. P&T No.6/56/77-S.P.B.-III dated 10.10.1997 clearly lays down "Once an official has qualified in the examination, he will always be taken as qualified and will not be required to appear again in order to be eligible for consideration for selection by the Departmental Promotion Committee." On the analogy of this change, that even 1/3rd vacancy should be filled in

*l8Ag*

on seniority basis the applicant should have been selected in preference to R.L. Misra. The matter has been reviewed and it has been decided by the Government in partial modification of the instructions referred to above that the 1/3rd selection quota of vacancies in LSG shall be filled in future on the basis of qualifying examination and in order of the seniority from among those who have actually qualified in the examination. the scrutiny of service records shall be made to ensure satisfactory service before permission is granted for appearing in the qualifying examination. The applicant's case was referred to D.P.C. but the same was not considered. In view of the direction given by the Director General there was no question of requiring the applicant or the respondent to undergo the process of Departmental Promotion Committee and the applicant should have been promoted on qualifying in the said test and accordingly this application deserves to be allowed in part and the respondents are directed to put the applicant in his original seniority."

2. By virtue of the present application, the applicant claims that he should be promoted in regular H.S.G.-II w.e.f. 4.8.90 i.e. the date his next junior respondent no.4 was allowed promotion therein. In this regard, he has already submitted a representation copy of which is Annexure A-10 dated 3.7.2002.

3. Keeping in view the said fact, when rights of the respondents are not likely to be affected, we deem it unnecessary to give a show cause notice while disposing the present application.

4. It is directed that respondent no.1 would consider the said representation and pass a speaking order preferably within four months from the receipt of the certified copy of the present order and communicate it to the applicant. O.A. is disposed of.

*Naik*  
( S.K. Naik )  
Member(A)

/dkm/

*V.S. Aggarwal*  
( V.S. Aggarwal )  
Chairman