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**Central Administrative Tribunal, Principal Bench**

**Original Application No. 2984 of 2003**  
M.A. No. 2590/2003

New Delhi, this the 17th day of December, 2003

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

N.D. Sharma,  
S/o late Shri Shyam Lal Gaur,  
R/o Chandul Mandul  
Antapara - Ambakhar  
Mathura (U.P.)

.... Applicant

(By Advocate: Shri D.P. Sharma)

Versus

1. Union of India  
through Secretary  
Ministry of Communication and I.T.  
Department of Posts  
Cum Director General of Posts,  
Dak Bhawan Sansad Marg,  
New Delhi-1

2. The Chief Postmaster General,  
U.P. Circle, Lucknow (U.P.)

3. The Superintendent Postoffices,  
Mathura Division-Mathura (U.P.)

4. Shri B.L. Kumar  
Retd. SPM Hathras through the  
Supdt. Postoffices Mathura,  
Dn. Mathura

.... Respondents

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

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

The applicant had been promoted to HSG-II from 1.10.91. On 30.3.2001, an order had been issued by respondent no.1 for upgradation of 1622 posts of HSG-II to HSG-I. The applicant was in Uttar Pradesh Circle. So far as U.P. circle is concerned, 140 posts were allocated to the said circle. The promotions had to be made circlearound. The applicant superannuated on 31.1.2002.

2. The grievance of the applicant is that he should

*Ms Ag*

be promoted to HSG-I with effect from 30.3.2001 when the order was issued because according to the learned counsel, in certain other circles, the promotions had been effected earlier but in U.P. circle they had been effected after the applicant superannuated.

3. It is not in dispute that HSG-I is a promotional post from HSG-II. No person has an indefeasible right to be promoted. He has a fundamental right to be considered in case the promotion is to be effected.

4. Certain juniors to the applicant had been promoted but with effect from 5.3.2002 when he had already superannuated. Therefore, it is not a case where the applicant can complain that they have been promoted retrospectively from the dates when he was still serving in the department. On that count, he can have no grievance. When promotions were being made circleshare and in exigencies of service there is some delay, in this backdrop of the facts given above, we find that the applicant has precious little to complain. There is no merit in the present petition. Resultantly, the same fails and is dismissed in limine.

  
( S.A. Singh )  
Member (A)

  
( V.S. Aggarwal )  
Chairman

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