

Certified P.S. Copy of Order Dt. 02/08/15

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

D.B. CIVIL WRIT PETITION NO. 11336/2012



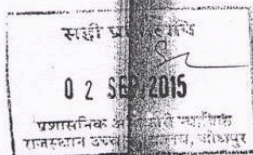
PETITIONERS:

1. Union of India through the Secretary,
Government of India, Ministry of
Communication, Department of Posts, Dak
Tar Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan
Circle, Jaipur-302007.
3. Director, Post Master General, Western
Region, Jodhpur.
4. Superintendent of Post Offices, Churu
Division, Churu.

VERSUS

RESPONDENT:

Bhanwar Lal Regar S/o Shri Ghasi Ram, Resident
of Regar Basti, Ward No.38, Tehsil-Churu District
Churu (official Address: working as SPM Bagla
School Road Post office at Churu in Postal
Department).



OATH COMMISSIONER
RAJ HIGH COURT
JODHPUR

प. ल.
अधीक्षक पोस्ट
Supdt of Post
राज. पो. वि. 13144
जोधपुर, राजस्थान-342001

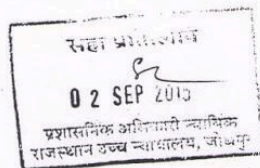


D.B.CIVIL WRIT PETITION UNDER ARTICLE
226 & 227 OF THE CONSTITUTION OF
INDIA.

AND

IN THE MATTER OF ORDER DATED
22.05.2012 PASSED BY THE CENTRAL
ADMINISTRATIVE TRIBUNAL , JODHPUR
BENCH JODHPUR IN ORIGINAL
APPLICATION NO.382/2011 BHANWAR LAL
REGAR V/S UNION OF INDIA & ORS. ;
WHEREBY THE LEARNED TRIBUNAL HAS
ALLOWED THE ORIGINAL APPLICATION
FILED BY THE RESPONDENT/APPLICANT
QUASHING THE ORDER UNDER CHALLENGE
IN THE ORIGIANL APPLICATION.

TO



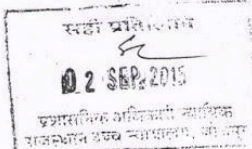


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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

- (1) D.B. CIVIL WRIT PETITION NO. 11709/2013
(Union of India & Ors. Vs. Har Govind Sharma)
- (2) D.B. CIVIL WRIT PETITION NO. 11321/2012
(Union of India & Ors. Vs. Chauthmal Pareek)
- (3) D.B. CIVIL WRIT PETITION NO. 11336/2012
(Union of India & Ors. Vs. Bhanwar Lal Regar)
- (4) D.B. CIVIL WRIT PETITION NO. 11414/2012
(Union of India & Ors. Vs. Hardewa Ram Dhaka)
- (5) D.B. CIVIL WRIT PETITION NO. 162/2013
(Union of India & Ors. Vs. Sua Lal Sharma)
- (6) D.B. CIVIL WRIT PETITION NO. 165/2013
(Union of India & Ors. Vs. R.S. Rehdu)
- (7) D.B. CIVIL WRIT PETITION NO. 364/2013
(Union of India & Ors. Vs. Pukhraj Sharma)
- (8) D.B. CIVIL WRIT PETITION NO. 1218/2013
(Union of India & Ors. Vs. Dana Ram)
- (9) D.B. CIVIL WRIT PETITION NO. 3177/2013
(Union of India & Ors. Vs. Sohan Lal Verma)
- (10) D.B. CIVIL WRIT PETITION NO. 3828/2013
(Union of India & Ors. Vs. T.C. Vyas)
- (11) D.B. CIVIL WRIT PETITION NO. 3829/2013
(Union of India & Ors. Vs. Mohan Lal Rankawat)
- (12) D.B. CIVIL WRIT PETITION NO. 5693/2013
(Union of India & Ors. Vs. Teja Ram Nawal)
- (13) D.B. CIVIL WRIT PETITION NO. 5694/2013
(Union of India & Ors. Vs. Balu Singh)
- (14) D.B. CIVIL WRIT PETITION NO. 6291/2013
(Union of India & Ors. Vs. Ram Charan Guru)
- (15) D.B. CIVIL WRIT PETITION NO. 6292/2013
(Union of India & Ors. Vs. Deen Dayal)
- (16) D.B. CIVIL WRIT PETITION NO. 14230/2013
(Union of India & Ors. Vs. Banshi Lal Nai)
- (17) D.B. CIVIL WRIT PETITION NO. 212/2014
(Union of India & Ors. Vs. Uka Ram)
- (18) D.B. CIVIL WRIT PETITION NO. 1694/2014
(Union of India & Ors. Vs. T.D. Vaishnav)
- (19) D.B. CIVIL WRIT PETITION NO. 2046/2014
(Union of India & Ors. Vs. S.N. Singh Bhati)





- (20) D.B. CIVIL WRIT PETITION NO.2118/2014
(Union of India & Ors. Vs. B.L. Verma)
- (21) D.B. CIVIL WRIT PETITION NO.2120/2014
(Union of India & Ors. Vs. Satya Singh Bhati)
- (22) D.B. CIVIL WRIT PETITION NO.3223/2014
(Union of India & Ors. Vs. B.L. Vaishnav)
- (23) D.B. CIVIL WRIT PETITION NO.2715/2015
(Union of India & Ors. Vs. Daulat Ram Chandani)

Date of Order :: 10th August, 2015

PRESENT

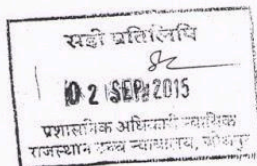
HON'BLE MR. JUSTICE GOVIND MATHUR
HON'BLE MISS JUSTICE JAISHREE THAKUR

Mr. A.K.Rajvanshy, Assistant Solicitor General of India,
for Union of India.
Dr. P.S.Bhati
Mr. S.P.Singh } for the respondents.
Ms. Shanno Rizvi }

BY THE COURT :

This batch of writ petitions is preferred to question correctness of the judgment passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur in different original applications, however, looking to the similar nature of dispute, all the cases were heard together and are being disposed of by this common order.

Briefly stated, facts necessary to be noticed for adjudication of these petitions for writ are that the respondent original applicants entered in services of the respondents being appointed as Mail Guard/ Extra Departmental Agents/ Gram Dak Sewaks. While serving on the post aforesaid they faced process of selection for appointment to the post of Sorting Assistants/Postmen. On being selected, appointments were accorded to them by the

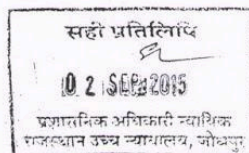


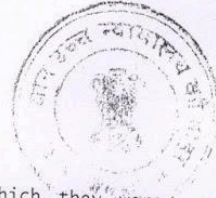


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competent authorities. After completing necessary tenure of service-time bound one time financial upgradation was allowed to them as per the assured career progression scheme. The assured career progression scheme was modified on 1.9.2008 and as per that the financial upgradation was made admissible whenever a person completes ten years continuous service in the same grade pay. The second upgradation may also be given after completion of ten years of regular service from the date of first financial upgradation. Similarly, the third upgradation is required to be given on completion of ten years regular service from the date of second financial upgradation. The respondents by treating the date of appointment on the post of Postal Assistant/Sorting Assistant as the date of initial appointment allowed first and second financial upgradation. Subsequent thereto the second financial upgradation awarded as per modified assured career progression scheme was ordered to be withdrawn by treating appointment to the post of Postman/Sorting Assistant a promotion. Being aggrieved by the same the respondent original applicants approached the Central Administrative Tribunal, Jodhpur Bench, Jodhpur and the Tribunal accepted the applications by arriving at the conclusion that the appointment to the post of Postman/Sorting Assistant was not a promotion but direct recruitment through limited competition.

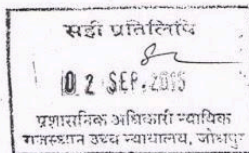
In these petitions for writ the argument advanced on behalf of the writ petitioners is that the respondent applicants were recruited and appointed as Group-D employees and thereafter by way of promotion appointments were given to them as Postmen/Sorting Assistants. The date






of appointment as such was the date on which they were appointed as Mail Guard/ Extra Departmental Agents/ Gram Dak Sewaks and thereafter promotion was accorded to them on the next higher post, as such their term of stagnation in one grade pay is required to be determined accordingly. No other contention except the above is addressed before us.

Having considered the argument advanced we do not find any merit with the same. Learned counsel appearing on behalf of the appellant on asking again and again failed to point out any provision for promotion to the post of Postman/ Sorting Assistant. On the other hand, from perusal of the orders of appointment to the post of Postal Assistant/ Sorting Assistant, it is apparent that the respondent original applicants faced an examination, may that be a limited competitive examination, i.e. nothing but direct recruitment. Their joining as Postal Assistants was not at all in the nature of promotion, hence their services for the grant of benefits under modified assured career progression has to be counted only from the date they were appointed as Postal Assistants/Sorting Assistants. The services rendered by them on earlier post prior to their appointment as Postal Assistants/Sorting Assistants are absolutely inconsequential for the purpose of grant of modified assured career progression. At the cost of repetition it shall be appropriate to mention that the petitioners failed to point out any provision for appointment to the post of Postal Assistant/Sorting Assistant by way of promotion and to point out any order of appointment making appointment of the original applicants on the post concerned by way of promotion.





The writ petitions, thus, are having no merit, hence dismissed. The orders passed by the Central Administrative Tribunal, Jodhpur Bench, Jodhpur in respective original applications stand affirmed.


(JAISHREE THAKUR), J.


(GOVIND MATHUR), J.

kkm/ps.


21/11/17

