

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1467/1995

(4)

New Delhi this the 5th day of October, 1999.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Bodhraj Verma S/O Sadhu Ram,
R/O 27-A, Navyug Adarsh Apartments,
F-Block, Vikas Puri,
New Delhi-110018.

... Applicant

(By Shri M. L. Chawla, Advocate)

-Versus-

1. Union of India through
Secretary, Telecom,
Ministry of Communication,
Govt. of India, Sanchar Bhawan,
New Delhi-110001.

2. Chief General Manager,
Maintenance (NTR),
Kidwai Bhawan, Janpath,
New Delhi-110001.

3. Chief Superintendent,
Central Telegraph Office,
Eastern Court, Janpath,
New Delhi-110001.

... Respondents

(By Shri R. P. Agarwal, Advocate)

O R D E R (ORAL)

Shri S. P. Biswas, AM :

The applicant is aggrieved by the orders of the Chief General Manager (respondent No.2) dated 27.6.1995 by which the applicant's claim for benefit of the scheme under Biennial Cadre Review (BCR, for short), 1990, has been rejected. The only reason on the basis of which the benefit has been denied to the applicant is that the first review for BCR was made for the officials who had completed 26 years of service by 30.11.1990 and the benefit was given w.e.f. 30.11.1990 to the officials who were found eligible on

(3)

the said date of first review. The applicant was not considered for grant of the benefit under the BCR scheme since he had been promoted as A.S.T.T. w.e.f. 6.8.1990, i.e., before the date of first review. The respondents would also say that A.S.T.T. cadre is not a promotional cadre, now being known as J.T.O. Having changed over to a different cadre w.e.f. 6.8.1990, the applicant could not claim the benefit.

2. The legality of the applicant's claim has to be determined on the basis of the BCR scheme introduced by the Government of India vide its order dated 16.10.1990. The details under paragraphs (ii) and (ix) of the scheme stipulate the conditions that would govern offering of the benefit to any official falling within the eligibility criteria. In paragraph (ii) it has been mentioned that "This Scheme of 'Biennial Cadre Reviews' will be applicable only to those regular employees who were in service as on 1.1.1990 and not later entrants." The respondents do not deny that the applicant was in service on 1.1.1990. This is evident from the fact that the applicant was on training as A.S.T.T. in the Telecom Department on that date. Paragraph (ix) of the scheme also stipulates conditions under which the benefits could be granted.

3. It is also seen that the officials who had completed 26 years of service would be eligible for the benefit and the service conditions are to be

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ascertained as per provisions under paragraph (iv) of the scheme. The applicant is ^{abs} eligible as per this provision of the scheme. ^{enc}

4. In the light of the detailed discussion aforesaid, the O.A. deserves to be allowed and we do so accordingly with the following directions :

The applicant shall be considered for grant of promotion under the BCR scheme with effect from the date his juniors were so promoted and on the basis of the decision, if the applicant is found eligible, he ^{with all consequential benefits} shall be granted such promotion. No costs.


(S. P. Biswas)

Member (A)


(A. V. Haridasan)
Vice Chairman (J)

/as/