

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No.28/94

New Delhi this the 29th Day of ~~August~~ ^{July}, 1994.

Sh. N.V. Krishnan, Vice-Chairman (A)
Sh. C.J. Roy, Member (J)

D.B. Katyal son of Sh. Devi
Dayal Katyal,
C/o Sh. Sant Lal, Advocate,
C-21(b)) New Multan Nagar, Delhi-56

...Applicant

(By Advocate Sh. Sant Lal)

Versus

1. Union of India through
the Secretary, Ministry of Communications,
Department of Posts, Dak Bhawan,
New Delhi-110 001.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan, New Delhi.
3. The Director Foreign Post,
I.P. Estate, New Delhi.
Safdarjung Hospital,

...Respondents

(By Advocate Sh. M.K. Gupta)

ORDER(ORAL))

Mr. N.V. Krishnan:-

When this case came up today for further directions the learned counsel for the respondents submitted that this case may be disposed of in the light of the judgement of the Bangalore Bench of the Tribunal in OA-403/93 - Smt. Leelamma Jacob & Others vs. Union of India & Others - 1993 (3)) SLJ 514 (CAT) wherein that OA was allowed with certain directions. The learned counsel for the applicant also seeks a disposal in the light of the same judgement.

2. So, in the circumstances, this OA is allowed with the following directions:-

- (i) The impugned order dated 11.8.92 and 31.5.93 (Annexure A-1) and Annexure A-2 in so far as it concerns the applicant are set aside.

ii) In so far as the instructions at Annexure A-3 dated 30.3.92 of the D.G. (Post) and Annexure A-4 dated 11.10.91 of the D.G. regarding Biennial Cadre Review are concerned, we direct that in implementing the BCR scheme in case of the applicant, who is senior in grade-II by virtue of his promotion against the 1/3 quota compared to other officials, should be considered for promotion to Grade-III in the scale of Rs.1600-2600 in his turn as per his seniority whenever his erstwhile juniors in Grade-II are considered for promotion to Grade-III by virtue of their having completed 26 years of service in the basic grade, without insisting on the applicant also completing the minimum prescribed years of service in the basic grade. In other words, all other conditions of the BCR scheme, except the stipulation of the length of service, will be applicable to the applicant, while considering his promotion to Grade-III.

iii)) In the circumstances, the respondents are directed not to revert or transfer the applicant from the supervisory post of L.S.G. to the operative post of Postal Assistant. In case, it is now found that the applicant is due for promotion to the Grade-III from an earlier date, the respondents are directed to give him all consequential benefits within a period of four months from the date of receipts of this order.

iv) The O.A. is disposed of, as above. No costs.

Wishom
(C.J. Roy)
Member(J)

N.V. Krishnan
29.7.94
(N.V. Krishnan)
Vice-Chairman

'Sanju'