

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

Date of Decision: 5.8.94.

OA 985/90

ROOP CHAND

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON'BLE MR. B.K. SINGH, MEMBER (A).

For the Applicant ... SHRI SANT IAL.

For the Respondents ... NONE.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

The applicant was promoted by the respondents vide Annexure A-4 dated 7.3.88. In the said order it has been mentioned specifically that Shri Roop Chand, PO & RMS Accountant approved in LSG cadre under Time Bound Scheme. This order of promotion has been recalled by the respondents vide order Annexure A-1 dated 16.12.88 on the ground that the name of the applicant does not find place in the LSG cadre under TBOP Scheme. The applicant submitted a representation and the representation has been rejected vide letter dated 7.1.89 (Annexure A-2). It was mentioned in the order Annexure A-2 that the applicant has not completed 16 years of service. As such, he is not entitled for promotion under the TBOP scheme. This fact is not under dispute. The learned counsel for the applicant himself agrees that the applicant has not completed 16 years service. His case is that the applicant is not claiming a time bound programme selection or promotion on completion of 16 years service but the case of the applicant is that under the rules i.e. Recruitment of Selection Group Posts, 1976, issued by the Government on 30.9.76, the applicant is entitled for promotion on completion of 10 years regular service in the

grade and he has also passed the Post Offices and Railway Mail Service Accountants Examination. Thus, there is no dispute between the parties on facts. The only question involved is about the applicability of the rules. The rules are applicable. The applicant has passed the Accountants Examination, as referred at Sl.No.15 of Annexure A-17. He has also completed 10 years service. As such, the applicant is entitled for promotion under the said rules and the promotion was given to him accordingly. The case of the respondents that he has not completed 16 years of service is true but the applicant has not claimed the benefit of those Time Bound Programme. As such, his case needs consideration on merits.

2. We have perused the complete records and we are of the view that the applicant is entitled for the benefit of the said rules of 1976. In the result, the OA is accepted. The order Annexure A-1 dated 16.12.88 is set aside and the order dated 7.3.88 (Annexure A-4) is restored to its original position. No order as to costs.


(B.K. SINGH)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN