

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

Nainital, this the 12th day of April, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

O.A. No. 143-7 of 1998

1. All India Postal Employees Union Class-3, Almora Division, through its Divisional Secretary D.K. Joshi S/O Late Sadanand Joshi, aged about 46 years R/O Anand Bhawan Dubkiya, Almora, District Almora.
2. L.D. Tiwari S/O Late B.D. Tiwari, aged about 44 years R/O Head Post Office Colony, Almora District Almora.

..... Applicants.

Counsel for applicants : Sri O.P. Gupta.

Versus

1. Post Master General, Bareilly Division, Bareilly.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. Union of India through Secretary, Ministry of Communications, Government of India, New Delhi.
4. Dan Singh Bhandari, working as H.S.G.-II (P.A.) in the office of Post Master, Pithoragarh, Distt. Pithoragarh.

..... Respondents.

Counsel for respondents : Km. S. Srivastava.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

List has been revised. None appears for the applicants. We have heard Sri K.C. Sinha holding brief of Km. S. Srivastava and perused the pleadings.

2. The present Original Application has been filed by the All India Postal Employees Union, Class-3, Almora Division for the benefit of its members impugning the order dated 27.5.1997 passed by the Supdt. of Post Offices, Almora whereby the representation filed on behalf of the applicants staking their claim for promotion under Binnial Cadre Review

OBG

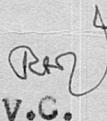
Scheme on higher selection grade of Rs.1600-2660/- at par with the 4th respondent namely Dan Singh Bhandari, has been rejected. A perusal of the impugned order would indicate that the representation of the applicants has been rejected on the ground that the Postal Assistants are not covered by the Biennial Cadre Review Scheme (BCR) and as such they are not entitled to the benefit under the said scheme. In our opinion, no ~~exception~~ can be taken as the Tribunal has no jurisdiction to direct the respondents to include the Postal Assistants in a particular scheme visualizing promotion on fulfilment of certain conditions. Formulation of scheme visualizing for promotion in a particular cadre is essentially an executive function to be performed at the Government level.

3. The O.A., in the circumstances, is dismissed without prejudice to the applicants to approach the Government of India for their grievances through proper channel for redressal.

No order as to costs.



A.M.



V.C.

Asthana/