

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 9th day of May, 2001

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. S. K. I. Naqvi, J.M.

ORIGINAL APPLICATION NO. 1478 OF 1994

Guru Prasad,
aged about 54 years,
s/o Sri Sarda Ram,
r/o Village Ahmadpur,
P.O. Zafarabad, District Jaunpur
presently posted as Sub Post Master,
Newaria, District Jaunpur.

..... Applicant

(By Advocate: Sri R.B. Srivastava)

Versus

1. Union of India, through the Secretary,
Department of Post, Government of India,
New Delhi.
2. The Chief Post Master General,
U.P. Circle, Lucknow.
3. The Superintendent of Post Offices,
Jaunpur.

.... Respondents

(By Advocate: Sri R.C. Joshi)

_O_R_D_E_R_ (ORAL)

(By Hon'ble Mr. S. Dayal, A.M)

This application has been filed for a direction
to the respondents to grant promotion to the applicant
in BCR Scheme w.e.f. 1.10.91, with all consequential
benefits and arrears of pay.

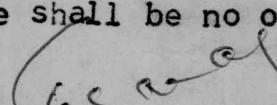
2. The applicant claims that he entered the service of Department of Posts and Telegraph in Group 'D' in 1951. He was promoted to the post of Clerk w.e.f. 7.4.1954. The Director General of Postal Services issued orders regarding "Biennial Cadre Review" Scheme (hereinafter referred to as "BCR Scheme") on 11.10.1991. The BCR Scheme was to be enforced w.e.f. 1.10.1991. Under the said BCR Scheme, promotion was to be given only to those employees, who had received one time-bound promotion on completion of 16 years service under the provisions of O.M. dated 17-12-1983. The applicant had received one time-bound promotion after completion of 16 years' service. He was entitled to get promotion under the BCR Scheme w.e.f. 1.10.1991 on account of completion of 26 years of service. The applicant moved a representation for being given the benefit of BCR Scheme, but was issued a charge-sheet by an order dated 12-11-91. By an order dated 8.4.1992, one increment of the applicant was withheld without any cumulative effect for a period of one year. The applicant claims that he was due to be promoted on 1.10.91, when no case was pending against him. He had filed a representation dated 8-12-1993, bringing the facts of his case to the notice of the Chief Post Master General, Respondent No.2. The said representation has, however, been held to be time barred. However, a fresh cause of action has arisen on the issuance of the order dated 4.5.94, by which the applicant has been declared unfit for promotion under BCR Scheme (Annexure No.A-1 to the OA).

3.

There is no averment to the effect that the applicant has represented against his being declared unfit by the respondents by order dated 4-5-1994. The learned counsel for the respondents has, however, states that the applicant shall move a representation and the respondents be directed to decide the same.

3. We, therefore, direct the respondents to decide the representation of the applicant against the order dated 4-5-1994, if moved within a period of one month from the date of this order by the applicant. The respondents shall decide the same within a period of six months from the date of receipt.

There shall be no order as to costs.


(S.K.I. NAQVI)
JUDICIAL MEMBER


(S. DAYAL)
MEMBER (A)

Nath/