

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 25th day of May, 2001.

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.  
Hon'ble Mr. S.K.I. Naqvi, Member- J.

Original Application No. 379 of 1999

Asrar Ahmad S/o Sri Abrar Ahmad  
Lower Selection Grade, Postal Assistant (S.B.C.O)  
Head Post Office, Meerut.

.....Applicant

Counsel for the applicant :- Sri K.P. Srivastava

V E R S U S

1. Union of India through the Secretary, (Postal)  
M/o Communication, Government of India,  
New Delhi.
2. The Chief Post Master General,  
U.P. Circle, Lucknow.
3. The Sr. Supdt. of Post Officess,  
Meerut Division, Meerut.
4. Sri Shamim Ahmad (retired) (B.C.R) S.B.C.O,  
Care of the Postmaster, Bahraich Head Post Office,  
Bahraich.

.....Respondents.

Counsel for the respondents :- Sri P. Mathur

O R D E R (Oral)

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

This application under section 19 of the Administrative Tribunal's Act, 1985 has been filed by the applicant for

considering his case retrospectively w.e.f 01.10.91 which is the date on which Sri Shamim Ahmad (respondent No. 4) was allowed the Biennial Cadre Review (B.C.R) Scheme in the pay scale of Rs. 1600-2600 with all consequential benefits. Direction to the respondents is also sought to include the name of the applicant in the gradation list of B.C.R at the proper place. A direction is also sought to the respondents for payment with interest at market rate from 01.10.91 to the actual date of payment.

2. The case of the applicant is that he was recruited as U.D.C and posted by order dt. 15/17.10.83 (annexure A-1). Sri Shamim Ahmad (respondent No.4), L.D.C was promoted as U.D.C by order dt. 17.10.84. The applicant's claim is that his name in the gradation list of U.D.C cadre in S.B.C.O in U.P. circle on 01.03.84 was at Sl. No. 592 where as the name of the respondent No. 4 was not included and he was promoted subsequently. The cadre of L.D.C and U.D.C were merged in to Postal Assistant Cadre and promotional grade is extended to the S.B.C.O staff who were eligible to the one time bound promotion and B.C.R schemes. Under one time bound promotion scheme, promotion invited on completion of 16 years and under B.C.R scheme on completion of 26 years of service. The respondents on representation of the affected persons, issued orders by their letter No. 22-5/95/PE-1 dt. 08.02.96 and made a provision for senior grade officials to be placed in the higher grade from the date the juniors had got higher grade on the basis of length of service. It is claimed that the cases of such senior were considered by Chief Post Master General, Lucknow and order dt. 01.04.97 was issued placing 144 officials in higher grade in O.T.B.P. Scheme w.e.f the date of promotion of juniors in lower selection grade scheme. The name of the applicant was included at Sl. 57 in part- A and was allowed lower

selection grade w.e.f 01.08.91 which was the date from which his juniors Sri Mahendra Kumar, Sri Puttu Lal, Sri Raj Deo Tewari, Sri S. Chandra and Sri D.P. Shukla were promoted.

3. Learned counsel for the applicant has placed reliance on the circular letter of Ministry of Communication, Department of Post No. 22-5/95- PE-1 dt. 08.02.96. the Circular produced as follows :-

" Time Bound One Promotion Scheme and Biennial Cadre Review Schemes were introduced vide this office letter No. 31-26/83-PE.I dated 17.12.83, No. 20-2/88-PE.I dated 26.07.91, No. 22-1/89-PE.I dated 11.10.91 and No. 4-12/88-PE.I (Pt) dated 22.07.93 with a view to improve promotional prospects of employees of the Department of Post. As per these schemes, officials who complete prescribed satisfactory length of service in the appropriate grades are placed in the next higher grade. Subsequently, It was noticed that some officials e.g. U.D.Cs in the circle and S.B.C.O, LSG (both 1/3rd and 2/3rd), P.O and R.M.S Accounts, who were senior before the implementation of the schemes were denied higher scales of pay admissible under the schemes while some junior officials became eligible for higher scale of pay by virtue of their length of service. Some of the affected officials filed applications before various Benches of the Central Administrative Tribunal's demanding higher scale of pay from the date their juniors were made eligible under these Schemes.

The case has been examined in consultation with the M/o Finance, Department of Expenditure. It has now been decided that all the officials, such as, U.D.Cs in the Circle Office and SBCO, LSG (both 1/3rd and 2/3rd), P.O and R.M.S Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay will now be considered for next higher scale of pay from the date their immediate juniors became eligible for the next

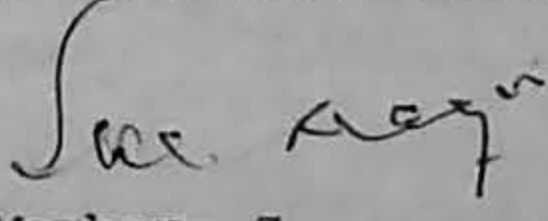
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higher scale. This will, however, not be applicable to the officials who are senior to these officials, brought on transfer under Rule- 38 P & T Vol. IV and are placed in the next higher scale of pay by virtue of length of service.

The Inter-se seniority of the officials in the lower grade will be kept intact for the purpose of eligibility for promotion to next higher grade. "

4. The applicant is entitled for the benefit of this circular. The respondents in paragraph 11 have mentioned that promotion of the applicant to L.S.G Cadre was considered and modified with reference to the date of promotion one Sri Puttu Lal.

5. Learned counsel for the applicant has mentioned<sup>l</sup> that subsequently representations were invited for promotion / appointment of officials of P.A from SBCO Cadre to H.S.G II Cadre under BCR Scheme in the pay scale of Rs. 1600-2600 with reference to the date of promotion of their juniors. The respondents have mentioned that the promotion had been considered with reference to promotion of Sri Mahendra Kumar to H.S.G II Cadre on 01.10.91. They have also stated that Sri Mahendra Kumar was senior to the applicant as his name was at Sl. No. 382 whereas applicant's name was at Sl. No. 502. Therefore, we are of the view that the applicant has not been able to establish his case for promotion to H.S.G II Cadre w.e.f 01.10.1991. The O.A stands dismissed with no order as to costs.

  
Member- J.

  
Member- A.

/Anand/