CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 29TH DAY OF MAY, 2002

Original Application No. 606 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL,MEMBER(A)

Indrapal, Son of Shri Bindeshwari
Prasad, a/a 50 years, residing at
village Ahmedpur pawai, district
Allahabad.

... Applicant

(By Adv: Shri A.B.L.Srivastava)

Versus

1. Union of India through the
   Secretary, Govt. of India,
   Department of Tele Communication

AND

   The Director General, Telecommunication
   Sanchar Bhawan, Sansad Marg,
   New Delhi.

2. The Chief General Manager, Telecom
   U.P.Circle(East) Lucknow.

3. The Sub-Divisional Engineer,
   I/C Central Telegraph office,
   Nwab Yusuf Road, Allahabad.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 applicant
has challenged the order dated 4.2.1999 by which
representation of the applicant has been decided. By the
said representation the applicant claimed benefit under
the BCR Schemd from a prior date. The representation
has been rejected stating that the above named officials
being junior in basic grade I of their respective basic
cadre were not found eligible for promotion in grade IV

under BCR Scheme as per the existing instructions of the department. It is not disputed that applicant Indrapal entered in service on 1.1.1968. The 26 years of service could be completed only in 1994. He claims benefit under BCR Scheme from 1993 which has been examined and rejected. Hon'ble Supreme Court while deciding civil appeal no. 3201/93 vide order dated 9.9.1993 held as under:

> "In view of the clear provisions in the
> letter dated 3.4.91(at pg 116 of the
> paper book) read with letter dated 16.10.90
> (at pg 119 of the paper book) was that completion
> of 26 years service on the crucial date
> alongwith the fact of being regular employee
> on 1.1.1990 are essential requirements for
> obtaining the benefit of BCR Scheme. The
> direction given by the tribunal in the impugned
> order in favour of the respondents cannot
> be faulted. On this conclusion, it is obvious
> that no case for interference in this appeal

is made out. The appeal is dismissed. No costs."
If the claim of the applicant is examined in the light of the aforesaid judgment it is clear that applicant had not completed 26 years of service and he was not rightly found eligible for promotion in Grade IV under BCR Scheme.
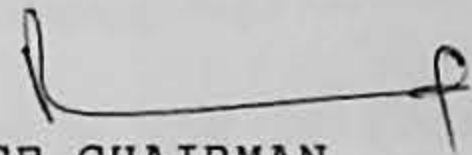
Learned counsel for the applicant, however, submitted that certain persons junior to applicant were granted promotion in grade IV in 1993. This grievance has been explained in para 6 of the counter affidavit wherein it has been stated that Gulab Singh(slno.344) and V.P.Kandolna(sl.no.506) were Scheduled Tribe candidates and they were promoted under 20% of the

Promotional Avenue Scheme in LSG grade. The details of the promotions have also been given in the said para. Thus, the grievance of the applicant is not justified and no injustice has been caused to him. However, it is made clear that the applicants may approach the respondents by making a representation to restore his seniority to the applicant and put him above Gulab Singh and V.P.Kandolna after applicant acquired promotion in grade IV which may be considered in terms of judgment of Hon'ble Supreme court in 'Virpal Singh Chauhan's case.

Subject to the above, the OA is disposed of accordingly with no order as to costs.

MEMBER(A)   VICE CHAIRMAN

Dated: 29th May, 2002

Uv/

Indra Pal   Vs   Union of India & Ors
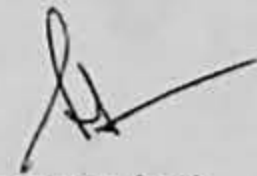
O R D E R(By Circulation)

<u>20.1.2003</u>

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

<u>HON.MR.S.DAYAL,MEMBER(A)</u>

This application is for review of order dated 29.5.02 passed in OA. No.606/99. We have perused the order and the grounds raised in the review application. However, we do not find any error apparent on the face of record calling for our interference with the order. The order was passed on the basis of the submissions made at the time of hearing.

The review application has no merit and is rejected accordingly.

MEMBER(A)   VICE CHAIRMAN

Uv/