

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 28th day of August 2003.

Original Application no. 979 of 2003.

Hon'ble Maj Gen KK Srivastava, Member (A)
Hon'ble Mr. AK Bhatnagar, Member (J)

1. Om Prakash Shukla, s/o sri S. Shukla,
R/o H. No. 7-5/1-B Shivpuri, Govindpur,
Allahabad.
2. Raj Kishor Shukla, s/o sri A.P. Shukla,
R/o 141/4 JH, Om Gyatri Nagar,
Allahabad.
3. Jyoti Raman, s/o Sri Gopal Lal,
R/o H no. 83-A, Ashok Nagar, Colony,
Sarang (Hal), Pandeypur, Varanasi.

... Applicants.

By Adv : Sri A Tripathi/Sri B Ram

Versus

1. Union of India through the Secretary (Posts),
Department of Posts, India,
Ministry of Communication, Dak Bhawan,
Sansad Marg, New Delhi.
2. Director General (Posts) India, Dak Bhawan,
Sansad Marg, New Delhi.
3. Chief Post Master General, UP Circle,
Hazaratganj, Lucknow.
4. Post Master General, Allahabad Region,
Allahabad.

... Respondents

By Adv : Sri R.C. Joshi

...2/-

2.

ORDER

By Maj Gen KK Srivastava, AM.

By this OA, filed under Section 19 of the A.T. Act, 1985, the applicants have prayed for following reliefs :-

- "a. to issue an order, rule or direction for quashing and setting aside the impudned order dated 17.5.2000 (Ann A1) issued by the respondent no. 2 by which the applicants were denied the promotion/placement in next higher scale of pay in LSG Cadre on the basis of policy decision contained in D.G's letter dated 8.2.1996 read with letter dated 26.3.1996.
- b. to issue an order, rule or direction in the nature of mandamus directing the respondents to give promotion/placement in next higher **scale** of pay of LSG Cadre with reference to their juniors i.e. 1.8.1991 as envisaged in D.Gs' letter dated 8.2.1996 and 26.3.1996 which has been given to the similarly situated officials.
- c. to issue an order, rule or direction in the nature of mandamus directing the respondents to make the payment of pay and allowances and arrears w.e.f. 1.8.1991 which the juniors to the applicants are enjoying.
- d. to issue any other order, rule or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- e. to award the cost of the original application in favour of the applicants."

2. The facts of the case, in short, are that the applicants were appointed in the respondent's establishment in Saving Bank Central Organisation (in short SBCO) as Upper Division Clerks (in short UDC) on different dates in 1983. They have been working continuously and discharging their duties to the full satisfaction of their seniors. During the year 1991 a

policy decision was taken and the cadre of LDC and UDC of SBCO was merged with cadre of Postal Assistant for all purposes except that such Lower Division Clerks (in short LDC) and UDC and SBCO formed circle cadre in respect of their Transfers and posting in the interest of service and designated as Postal Assistant SBCO. The claim of the applicants is that after the merger the ex-cadre staff of LDC and UDC became entitled for their promotion and placement in the next higher grade and pay of Lower Selection Grade (in short LSG) under TBOP/BCR scheme. On implementation of TBOP scheme for such officials (ex LDC and UDC of SBCO) an anomaly was noticed in pay fixation and some of the UDC's in SBCO who were senior before implementation of the scheme were denied higher scale of pay under TBOP scheme and their juniors were given higher scale of pay. The affected staff agitated the matter and the policy decision was taken by the Govt. of India, Department of Posts on 8.2.1996, reiterated in the letter dated 26.3.1996 (Ann A5), according to which such LDC/UDCs whose seniority was adversely affected by implementation of TBOP/BCR Scheme placing their juniors in higher pay scale/for next higher scale of pay from the date their immediate juniors became eligible for the next higher scale.

3. The grievance of the applicant is that the respondent no.3 i.e. Chief Post Master General (in short CPMG) called for ACRs of the applicants for the first time on 19.9.1996, but the file was being tossed and no decision was taken. Thus the applicants have been deprived of their rightful claim. Learned counsel for the applicant submitted that on issue of the letters dated 8.2.1996 and 26.3.1996 by Director General (Posts), the cases of other persons were examined and 140 persons were promoted vide order dated 1.4.1987 in higher scale of pay. Another memo was issued on 24.2.1998 promoting 22 persons, whereas the case of the applicants was being delayed on some or other count. Subsequently one more memo was issued on 18.9.2000 promoting 14 peoples. The claim of the applicants is that since the applicants are similarly placed persons, they are entitled

4.

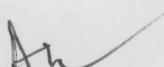
for their promotion from the date of promotion of their juniors.

4. Applicants no. 1, 2 & 13 have filed their representations on 29.4.2003, 10.4.2003 and 28.4.2003 (Ann 14, pg no. 88 to 115 of the OA) respectively, which are still pending before respondent no. 3

5. After hearing learned counsel for the parties, we are of the considered opinion that the ends of justice shall be better served, if the representations of the applicants is decided by a reasoned and speaking order covering each points raised therein by respondent no. 3.

6. In the facts and circumstances, the OA is finally disposed of with direction to respondent no. 3 to decide the representations of the applicants referred to above by a reasoned and speaking order within a period of three months from the date of communication of this order.

7. There shall be no order as to costs.


Member (J)


Member (A)

/pc/