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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 757 OF 1995
Cuttack, this the 5th day of September, 2002.

Gunanidhi Mishra. Applicant.

VRS.

Union of India & Others. Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No

*for legal
05/09/2002*
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

V. SRIKANTAN
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)

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CORAM:-

THE HONOURABLE MR. V. SRIKANTAN, MEMBER (ADMINISTRATIVE)

AND

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL)

..

Gunanidhi Mishra, Aged about 54 years,
S/o. Late Sachidananda Mishra, at
present working as Sub-Postmaster,
Attabira, At/PO: Attabira, Dist: Bargarh. Applicant.

By legal practitioner : ~~M/S. A. Deo, B. S. Tripathy,~~
~~P. Panda, D. K. Sahoo, M. P. J. Ray,~~
~~P. K. Mishra, R. Rath, K. N. Mishra,~~
Advocates.

:VRS.:

1. Union of India and others represented through through its Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist: Khurda.
3. Member (Posts) Office of the Director General of Post, Dak Bhawan, New Delhi.
4. Superintendent of Post Offices, Sambalpur Division, Sambalpur, At/PO/Dist: Sambalpur. Respondents.

By legal practitioner : Mr. A. K. Bose, Sr. Standing Counsel.

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O R D E R

MR. V. SRIKANTAN, MEMBER(ADMINISTRATIVE) :-

The Applicant has filed this application stating that he is entitled to get promotion under the Biennial Cadre Review Scheme (in short BCR) w.e.f. 1.11.1991 in terms of the letter dated 11.10.1991 as he has completed 26 years of service by that time. However, the Respondents have given him promotion under the BCR Scheme w.e.f. 27.10.1992 and there being no adverse remarks against the applicant, he is entitled to be promoted w.e.f. 1.11.1991. Applicant had submitted representation to the Respondent No.3 on 4.11.1992 but did not yield any fruitful result and again thereafter, he had submitted another representation on 10.4.95 but not having received any reply, he has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 with a prayer to direct the Respondents to give him promotion under the BCR Scheme w.e.f. 1.11. 1991 with all financial benefits.

2. Respondents have filed their counter stating therein that the applicant was due for promotion under the BCR scheme w.e.f. 1.10.1991. Since the applicant had been imposed with punishment of stoppage of one increment vide Memo dated 31.1.1989 which is current till 31.10.1991 and the DPC which met on 10.2.92 considered the case of applicant but in view of the aforesaid punishment, did not recommend the applicant for promotion w.e.f. 1.10.1991. In the subsequent DPC which

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met on 14.10. 1992 recommended the case of the applicant and he was accordingly promoted w.e.f. 1.7.1992. The representation submitted by the applicant seeking promotion from an earlier date was also considered by the Review DPC which met on 30. 9. 93 but rejected the claim of the applicant stating that his promotion has been rightly given w.e.f. 1.7.1992.

3. Heard Mr. B.S.Tripathy, learned counsel for the applicant and Mr.A.K.Bose, learned Senior Standing Counsel for the Union of India appearing for the Respondents.

4. It is clear that the applicant had been visited with a punishment which is current till 31.10. 91, and therefore, he could not have been promoted w.e.f. 1.10.1991. However, it is not clear as to why the applicant could not have been promoted w.e.f. ~~1.11.1992~~^{1.11.1992} 4. From the reply it is not clear what made with the DPC which met on 10.2.1992 and the Review DPC which met on 30.9.1993 for not considering the case of the applicant for promotion atleast w.e.f. 1.1.1992. The Respondents have not been able to produce the DPC and Review DPC proceedings and were also not in a position to indicate as to why the applicant could not be promoted from 1.11.1992 under the BCR scheme.

5. Under the circumstances, this Original Application is disposed of directing the Respondents to hold a Review DPC and consider the case of the applicant for promotion

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to the BCR grade w.e.f. 1.1.1992. This direction shall be complied with within a period of three months from the date of receipt of a copy of this order. However, in the circumstances, there shall be no order as to costs.

Manoranjan Mohanty
05/09/2002
(MANORANJAN MOHANTY)

V. Srikantan
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)