

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.328 OF 2003  
Cuttack this the 6th day of January/2005

Prasanna Kumar Chakra ... Applicant(s)

- VERSUS -

Union of India & Ors. ... Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? Y-3
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? Y-5

*M.R. Mohanty*  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

*B.N. Saha*  
(B.N. Saha)  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.328 OF 2003  
Cuttack this the 6th day of January/2005

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

\*\*\*

Sri Prasanna Kumar Chakra, 53 yrs.  
S/o. late Dharanidhar Chakra,  
At/PO-Pandua, Via:Sainkul,  
Dist : Keonjhar

...

Applicant

By the Advocates

Mr.P.K.Padhi

- VERSUS -

1. Union of India represented by its Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001
2. Chief Post Master General (Orissa Circle) At/PO-Bhubaneswar, Dist:Khurda-751001
3. Sr.Superintendent of Post Offices, Cuttack City Division, At:P.K.Parija Marg, PO:Cuttack G.P.O., Dist:Cuttack-753001
4. Director of Postal Services (Hqrs.) At/PO-Bhubaneswar, Dist-Khurda-751001

...

Respondents

By the Advocates

Mr.U.B.Mohapatra, SSC

O R D E R

MR.B.N.SOM, VICE-CHAIRMAN: Shri Prasanna Kumar Chakra (applicant) working in the Postal Department has filed this Original Application praying for quashing the following orders:

- a) Order No.137-10/96-SPR.II dated 11.2.2002 (Annexure-6) introducing the Scheme of **Fast** Tract Promotion for PA(Post Office)/ SA to fill up LSG/HSG-II posts in Post Offices and RMS offices-Amendment to Recruitment Rules for Lower Selection Grade and Higher Selection Grade-II posts in Post Offices and RMS Offices.
- b) No.4-16/2002-SPR.II dated 12.11.2002 (Annexure-7) with regard to promotion to HSG.I Grade - Clarification reg.:

10

c) No.B/G-162(A) dated 02.04.2003(Annexure-8) - Departmental Examination for the ~~post~~ fast track promotion to HSG II cadre in PO/RMS office to be held in 2003.

2. The grounds urged by the applicant are that with the introduction of Time Bound One Promotion (in short TBOP) with effect from 30.11.1983, all types of departmental examinations to LSG were abolished. Secondly, that officials promoted under TBOP (in BCR schemes held the supervisory posts, i.e., L.S.G. and H.S.G. II posts. Thirdly, that promotion to H.S.G. I cadre was being made since then on the basis of seniority and BCR cadre which was a circle cadre. The grievance of the applicant is that in the above background of the matter, the introduction of examination for LSG and HSG-II posts is an instance of complete non-application of mind as there are no LSG posts available after introduction of TBOP and that the senior officials will be adversely affected if that examination was allowed to be held. Fourthly, it has been argued that the scale of pay of TBOP is equal to LSG and BCR to that of HSG-II. Fifthly, since the circular dated 11.2.2002 provided 66.66% i.e., 2/3rd/LSG/HSG posts are to be filled by departmental examination, the junior personnel in the TBOP/BCR cadre were made supervisor compelling the seniors to work under them.

3. The prayer of the applicant has been resisted by the Respondents by filing a detailed counter.

4. The issues raised in this O.A. are as follows:

- i) That the LSG cadre was abolished with the introduction of TBOP.
- ii) HSG-II posts were being held by TBOP/BCR officials.

- iii) H.S.G. I posts were being filled up on the basis of seniority from amongst the BCR officials
- iv) TBOP and BCR are two cadres substituting earlier LSG & HSG-II cadres.

5. These issues are no longer res integra as these have been answered already by the Full Bench of this Tribunal in O.A.No.329/2000. Thus, the law is now settled that TBOP and BCR schemes are two schemes for financial upgradations of the employees of the Department. This position has already been stated by the Respondents in their counter dated 4.6.2004 filed to this O.A. Regarding the promotional avenues available to the employees of the postal Department to LSG (in the scale of Rs.4500-7000/-) and thereafter to HSG-II (in the scale of Rs.5000-8000/-) it has been disclosed that the same is prescribed as per the recruitment rules notified by the Department. In the circumstances, we find that the contention of the applicant that the LSG cadre was abolished with the introduction of TBOP is wholly misconceived and without any basis. Similarly, the applicant laboured under total misunderstanding of the matter that TBOP and BCR were two distinct cadres. These are two schemes formulated by the Department by means of a written agreement with the Employees' Federation to meet the demand of the staff union for two financial upgradations in their career progression. In this view of the matter, we are of the opinion that the present O.A. arises out of the inadequate understanding of TBOP and BCR schemes by the applicant.

6. With regard to fast tract promotion examination,

it has been submitted by the Respondents that after introduction of the said two schemes, which no doubt enhanced the career prospects of operative staff, the Respondents-Department had found that the functioning of the supervisory cadres both at the LSG and HSG II level had been up set considerably, in that the command and control structure of the organisation had been affected. Thus, by way of restructuring of supervisory Cadre in order to strengthen the organisation, they amended the recruitment rules for LSG and HSG II posts thereby providing fast tract promotion with the aim to strengthen and motivate the supervisors by introducing the concept of merit through competitive examination.

7. In other words, the fast track promotion scheme has been introduced by the Respondents Department to revamp and restructure the supervisory system whereas the TBOP and BCR schemes are meant for the pay progression/financial upgradations of the operative staff. In other words, there is no conflict between the two systems in terms of promotion to LSG and HSG II posts. The applicant, who is a beneficiary of the TBOP/BCR scheme, on the length of his service in the Department has also the opportunity to further his career prospects by appearing in the departmental examination for fast track promotion to accelerate his progression in career. In the circumstances, we see no merit in the averments made by the applicant, which we have already observed, has been made on the total misconception and misunderstanding of the nature of TBOP and BCR Schemes. Those being our

findings, we have no hesitation to hold that in view of the decision of the Full Bench of this Tribunal in O.A.No.329/2000 and other facts as stated above, this O.A. is devoid of merit, which is accordingly dismissed. No costs.

*John*  
(M.R.MOHANTY)  
MEMBER(JUDICIAL)

BJY

*Nuk*  
( B.N. SOM )  
VICE-CHAIRMAN