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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION NO.206 OF 2005

Cuttack this the 4th day of July, 2006

Bidyadhar Nayak... Applicant(s)

-VERSUS-

Union of India & Ors. Respondent(s)

FOR INSTRUCTIONS

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

^{B.B.}
(B.B. MISHRA)
MEMBER (ADMN.)

^{B.P.}
(B. PANIGRAHI)
CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.206 OF 2005
Cuttack this the 4th day of July, 2006

CORAM:

THE HON'BLE MR.JUSTICE B.PANIGRAHI, THE CHAIRMAN
AND
THE HON'BLE MR.B.B.MISHRA, MEMBER(ADMINISTRATIVE)

Sri Bidyadhar Nayak, aged 63 years, Son of late Prahallada Nayak, At/PO-Hindol, Dist: Dhenkanal

By the Advocates :

...Applicant
Mr.P.K.Padhi

-VERSUS-

1. Union of India represented through it's Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001
2. Chief Post Master General (Orissa Circle) At/PO-Bhubaneswar, Dist-Khurda-751001
3. Superintendent of Post Offices, Dhenkanal Division, At/PO/Dist-Dhenkanal
4. Director of Postal Services (Hqrs.), Office of the Chief Post Master General, At/PO-Bhubaneswar, Dist-Khurda-751001

By the Advocates:

...Respondents
Mr.U.B.Mohapatra, SSC

...
ORDER
(Oral)

MR.JUSTICE B.PANIGRAHI, THE CHAIRMAN: Heard the learned counsel for the parties.

2. The short question raised in this case is whether the applicant is entitled to the benefits under the Biennial Cadre Review (in short B.C.R.) Scheme on completion of 26 years of satisfactory service.

3. The essential facts leading to this case are as follows:

4. The applicant entered into service as direct recruit Postman under the Postal Department on 31.5.1967. He qualified in the Departmental Examination where after he was promoted as T.S. Clerk (now designated as

Postal Assistant) with effect from 9.1.1974. The Department of Posts had introduced Time Bound One Promotion (in short TBOP) Scheme for the Postal Assistants with effect from 30.11.1983. As per the said scheme, official who had completed 16 years of satisfactory service were eligible to get the higher scale of pay. The applicant undoubtedly claims to have completed 16 years of satisfactory service. Thereafter another scheme was introduced by the Postal Department under the name and style B.C.R. with effect from 1.10.1991. As per the said scheme, the Postal Assistants who would complete 26 years of satisfactory service are eligible to get the higher scale of pay. As per the said scheme, the DPC would sit twice a year, i.e., in the 1st of January and 1st of July.

5. The applicant was posted at Hindol S.O. from where he was transferred to Ranipark as Sub Post Master vide order dated 7.5.1999. He was accordingly relieved from Hindol with effect from 31.5.1999. Due to his domestic problem he availed leave and submitted an application seeking voluntary retirement on 24.6.1999. Since the Respondents did not immediately take action on the application for voluntary retirement, the applicant had approached the Tribunal in O.A. No.626/2000 and in pursuance of the order passed by this Tribunal the applicant was permitted to take voluntary retirement with effect from 3.2.2000.

6. The sole grievance of the applicant is that although he was eligible to get the benefits under the B.C.R. scheme, but his case was not considered by the Respondent-authorities and consequential benefits available to him under the aforesaid scheme were denied.

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7. The Respondents have filed their counter-reply in which they have stated that before the case of the applicant could be considered by the DPC for grant of benefits under the BCR scheme the applicant took voluntary retirement. They have further stated that the case of the applicant could have been considered for the purpose of BCR benefit with effect from 1.7.2000, but before this could be considered, he was deemed to have voluntarily retired from service with effect from 3.2.2000. Therefore, the Respondents could not examine the case of the applicant to grant him the benefits under the BCR scheme.


8. While explaining the merits of the case, Shri P.K.Padhi, the learned counsel for the applicant has produced before us a judgment dated 14.1.2005 of the Full Bench (Chandigarh) of this Tribunal in Piran Ditta & 25 ors. Vs. Union of India & Ors. We find exactly the identical question was considered by the Full Bench and the Full Bench had already resolved the points by indicating that the persons who had completed 26 years of satisfactory service were entitled to the benefit under the B.C.R. scheme. Since the point in issue has already been resolved by the Full Bench there could be no longer any dispute with regard to the entitlement of the applicant.

9. Undoubtedly in the instant case the applicant has completed 26 years of satisfactory service. But before the DPC could meet for considering his entitlement under the B.C.R. scheme, his voluntary retirement was accepted with effect from 3.2.2000. Therefore, in this particular situation, we hereby direct the Respondent Nos. 2 and 4 to consider the applicant's entitlement to the benefits under the BCR scheme within a period of three months from the

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date of communication of this order and if he is found suitable, he should be provided with all consequential benefits accrued thereon.

10. With the above observation and direction, this O.A. is disposed of. No costs.


(B.B. MISHRA)
MEMBER (ADMN.)


(B. PANIGRAHI)
CHAIRMAN