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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00374 OF 2015
Cuttack, this the 3rd day of July, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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Bramha Kesava Rao,
aged about 59 years,
Son of Late Jaganath Rao,
At present working as Section Supervisor (LSG),
O/o-Post Masters General,
Berhampur Region,
Berhampur, Ganjam,
Vill/Po/Ps-Aska, Dist-Ganjam.

.....Applicant

Advocate(s).....Mr. D.K. Mohanty

VERSUS

Union of India represented through

1. Director General of Posts,
Ministry of Communication,
Department of Posts,
Dak-Bhawan, Sansad Marg,
New Delhi-110001.
2. The Chief Postmaster General,
Odisha Circle, Bhubaneswar,
Dist-Khurda, PIN-751 001.
3. The Postmaster General,
Berhampur Region,
Berhampur, Ganjam.

..... Respondents

Advocate(s).....Mr. B.Swain

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Learned Counsel for the Applicant, and Mr. B.Swain, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.


2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(i) To direct the Respondents to promote the applicant as LSG after completion of 16 years of regular service i.e. 1997 HSG-II after 8 years of LSG and HSG-I after 3 years of HSG-II cadre retrospectively with all consequential benefits.

(ii) To direct the Respondents to calculate and disburse the differential salary.

(iii) To pass any other order.....”

3. The applicant initially joined the service as Postal Assistant on 26.06.1981. His grievance is that though the Govt. of India introduced the Time Bound One Promotion (TBOP) Scheme w.e.f. 30.11.1983 to get promotion to LSG cadre on completion of 16 years of regular service and the Biennial Cadre Review (BCR) Scheme w.e.f. 11.10.1991 for promotion to HSG-II and HSG-I after completion of 8 and 3 years of service in LSG and HSG-II respectively, but he has been promoted to LSG cadre in the year 2014 without giving the benefits of TBOP and BCR. It has been submitted that in the similar circumstances, some of the affected persons had approached the Tribunal in O.A.No. 1196/2004 claiming TBOP and BCR benefits. The Tribunal held that LSG is not a financial upgradation, it is a promotion and accordingly directed to the Respondents to consider the case of the applicants and grant consequential relief. The said order of this Tribunal has been upheld by the Hon'ble High Court of Orissa as well the Hon'ble Apex Court and, consequently, they got the notional promotion in the cadre of LSG/HSG-II and HSG-



I. Mr. Mohanty, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant filed representation vide Annexure-A/4 dated 27.03.2015 before Chief Post Master General (Respondent No.2) and having received no response he has filed this present O.A.

4. In view of the above, since the representation of the applicant is stated to be pending, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No.2 to consider and dispose of the representation, if the same has been preferred by the applicant and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of one month from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same as per the rules and regulations in force. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken preferably within a further period of two months from the date of such consideration to grant the said benefit to the applicant. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 07.07.2015.


(A.K.PATNAIK)
MEMBER(Judl.)