

OA 168/95

Mohd. Idrees Ansari

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, MEMBER (A)

For the Applicant

... Mr. J.K. Kaushik

For Respondents No.1 to 3

... Ms.Padmini Rathore, brief holder for Mr. J.P. Joshi

For Respondent No.4

... None

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Mohd. Idrees Ansari, has, in this application u/s 19 of the Administrative Tribunals Act, 1985, sought a direction to the respondents to consider his case for promotion to the post of HSG-II scale Rs.1600-2660 under the BCR Scheme at par with his next junior, respondent No.4, w.e.f. 26.6.93 with all consequential benefits including arrears of difference of pay.

We have heard the learned counsel for the applicant and Miss Padmini Rathore, brief holder for Mr. J.P. Joshi, counsel for respondents No.1 to 3, and have gone through the records of the case carefully. None is present on behalf of respondent No.4.

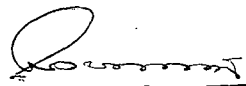
3. The controversy falls within a short compass and it relates to the question whether the Selection Grade, for which an employee becomes eligible after 26 years of service, can be denied to those who had secured promotion earlier on merit basis under the 1/3rd quota and have not completed 26 years of service. The issue involved has been squarely dealt with in the decision rendered by the Jaipur Bench of the Tribunal in O/ 385/94, Lajpatrai Sharma v. Union of India and others, dated 29.11.94.

4. Our attention was drawn to a communication of the Government of India in the Ministry of Communications, Department of Post, dated 8.2.96 on the subject of instructions regarding modifications of TBOP/BCR Scheme and the learned counsel for the applicant has contended that his promotion to the post of HSG-II scale Rs.1600-2660 under the BCR Scheme may be

*C. Krishna*

considered in terms of the modified scheme.

5. In the result, we direct the respondents to consider the applicant's case for promotion to the post of HSG-II scale Rs.1600-2660 under the instructions regarding modifications of TBOP/BCR Scheme, referred to above, within a period of four months from the date of receipt of a copy of this order. If the applicant is granted promotion to the post of HSG-II scale Rs.1600-2660, he shall be entitled to all consequential benefits. The OA is allowed accordingly with no order as to costs.



(S.P. BISWAS)

MEMBER (A)



(GOPAL KRISHNA)

VICE CHAIRMAN

VK

