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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
jodhpur.

Date of Decision: 14/01/2002

OA 379/99

Sanjay Goyal, Office Assistant in the office of Supdt.
of Post Offices, Sriganganagar.

... Applicant

V/s

1. Union of India through Secretary, Ministry of
Communication, Department of Posts, Dak Bhawan,
New Delhi.
2. Chief Post Master General, Rajasthan Circle,
Jaipur.
3. Post Master General, Rajasthan Western Region,
Jodhpur.

... Respondents



CORAM:

HON'BLE MR. JUSTICE O.P. GARG, VICE CHAIRMAN

HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. J.K. Kaushik

For the Respondents

... Mr. Vineet Mathur

O R D E R

PER HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER

In this application filed u/s 19 of the
Administrative Tribunals Act, 1985, the applicants makes
the following prayer :-

"That the respondents may be directed to consider
the case of applicant for grant of benefits of
higher pay scale from the date of his next junior
as per the modified TBOT/BCR Scheme ignoring the
length of service and allow all consequential
benefits."

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2. The short controversy involved is whether under the TBOT/BCR Schemes it is necessary for the senior employee to complete the prescribed length of service for grant of benefit or he can be extended the benefit from the date the same has been given to his next junior.

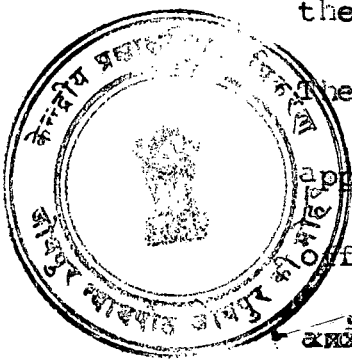
3. Under the TBOT/BCR Schemes, the benefit of promotion to the next grade is given after an employee has completed the prescribed length of service. Grievance of the applicant is that his next junior, Shri Ram Chander Bhurabhati, has been considered for grant of the next higher ~~xxx~~ grade on completion of 16 years of service, which he completed on 20.9.99, whereas the applicant, though being senior to Shri Bhurabhati, is not being considered for the reason that he would be completing 16 years of service on 11.12.2002.



4. Learned counsel for the respondents, while accepting that the applicant was senior to ~~xxx~~ Shri Bhurabhati, submitted that the very essence of TBOT/BCR Schemes is that the benefit of next higher grade is given after the employees have completed the prescribed length of service. The learned counsel & stated; that being the essential requirement, the applicant has no cause of grievance as he would be completing 16 years of service only in the year 2002, whereas his junior, Shri Bhurabhati, had


completed 16 years in September, 1999.

5. The learned counsel for the applicant stated before us that this issue had come up for consideration before various benches of the Central Administrative Tribunal and consequent to the directions issued by the Tribunal the schemes of TBOT/BCR came to be modified vide letter dated 8.2.96, which the respondents have themselves annexed as Ann.R/7. The learned counsel argued that the modified scheme clearly provides that the seniors will be considered for next higher scale of pay from the date their immediate juniors became eligible for the grade.



The only exception was that these orders would not be applicable to the officials who are senior to those officials brought on transfer under Rule-38, P&T Vol.IV, and are placed in the next higher grade of pay by virtue of length of service. The learned counsel contended that the controversy stands resolved by the department's own letter dated 8.2.96 and there should be no reason for denying this benefit to the applicant from the date Shri Bhurabhati was placed in the higher grade.

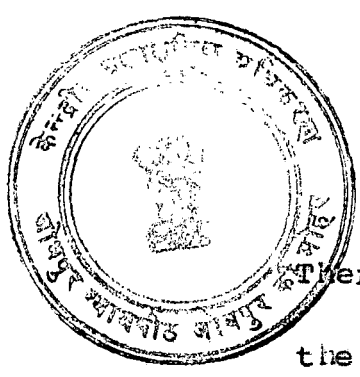
6. We have carefully considered the interpretation given by the learned counsel on either side to the scheme dated 22.7.93 and the modification thereto dated 8.2.96.



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A reading of the letter dated 8.2.96 makes it apparent that this modification came to be issued because of the orders passed by various Benches of the Central Administrative Tribunal when the affected senior officials filed applications claiming benefit of protection vis-a-vis their juniors. The relevant portion of para-2 of this letter dated 8.2.96 states as;

"It has now been decided that all the officials, such as, UDCs in the Circle Office and SECO, LSG (both 1/3rd and 2/3rd), P.O. & R.M.S. Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay will now be considered for next higher scale of pay from the date their immediate juniors became eligible for the next higher scale."



There is no room for any doubt now that by this modification the government itself has decided to extend the benefit of next higher scale to the seniors from the date their immediate juniors became eligible for the same. If that being the policy, we do not see any reason for the respondents' refusal to deny this benefit to the applicant w.e.f. the date the same has been extended to Shri Bhurabhati

7. We, therefore, allow this OA and direct the respondents to grant the benefit of higher scale of pay under the TBOT/BCR Schemes to the applicant with effect from the date his immediate junior, Shri Ram Chander Bhurabhati,

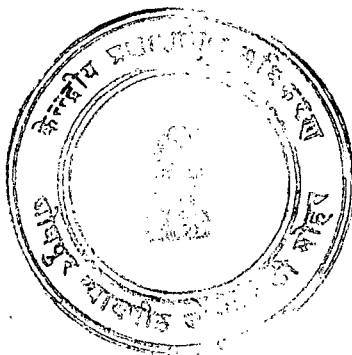
has been given the same, within a period of two months
from the date of this order. No order as to costs.

[Signature]

(A.P. NAGRATH)
MEMBER (A)

[Signature]
(JUSTICE O.P. GARG)
VICE CHAIRMAN

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Receiv
Dr. A. V. D.
for
18/1/2002

Part II and III destroyed
in my presence on 20.6.07
under the supervision of
section officer (I) as per
order dated 14.5.07


Section officer (Record)

R/COPI
18/1