

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 27.07.2001

O.A. No. 97/1999

Mahendra Kumar Jain son of Shri Ganpat Lal Jain aged 51 years resident of 4-B-5, New Housing Board, Shastri Nagar, Bhilwara, working as Sub Post Master, Kashipuri, District Bhilwara.

... Applicant.

v e r s u s

1. Union of India through the Secretary to the Government, Ministry of Communication (Department of Posts), Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Bhilwara.
3. Chief Post Master General, Rajasthan, Jaipur.

... Respondents.

Mr. N.K. Chandak, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. A.P. Nagrath, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

The applicant, Shri Mahendra Kumar Jain, was one of the persons promoted on the basis of Annexure A/1 dated 19.03.99 from LSO/PA under Biennial Cadre Review Scheme (BCR Scheme, for short) to the next higher grade of the revised pay scale at Rs. 5000-8000 on completion of his 26 years of service in P/A cadre with effect from 01.01.99. But the case of the applicant is that this Tribunal may direct for giving effect ^{to} this order from the year 1993, by which time the

applicant had completed 26 years of service, and his case has not been considered by the Departmental Promotion Committee (DPC, for short), which met in the year 1993. Since the DPC did not consider his case during the year 1993 for such promotion under BCR Scheme, his present promotion vide Annexure A/1 dated 19.03.99 requires to be modified with effect from the year 1993. Accordingly, he prays for a direction in this behalf.

2. By filing reply, the respondents have denied the case of the applicant. They have contended that no doubt, the applicant had completed 26 years of service as required under BCR Scheme in the year 1993, but his case was considered by the DPC which met in the year 1993, and it found the applicant 'not fit' for promotion under the BCR Scheme. Therefore, the prayer of the applicant that the order at Annexure A/1 dated 19.03.99 requires to be modified by giving him retrospective promotion with effect from 1993, is not sustainable.

3. To resolve the controversy between the applicant and the respondents whether the applicant's case was considered or not, we directed the respondents vide our proceedings dated 26.06.2001 to produce the DPC proceedings of the year 1993. Accordingly, the learned counsel for the respondents ^{has} shown us the DPC proceedings of the year 1993. From the perusal of the said proceedings, we find that the DPC met on 16/17.09.93, and the case of the applicant also was considered by the said DPC. The applicant was one of the persons, who was not found fit for promotion according to these proceedings. Thus, when the applicant's case was considered in the year 1993 and he was not found fit for promotion in the year 1993, the applicant now cannot seek modification of his promotion order vide Annexure A/1 dated 19.03.99 under BCR Scheme, giving him promotion with retrospective effect from the year 1993. In this view of the matter, we do not find any merit in this application. Accordingly, we pass the order as



1/12



under:-

"The Original Application is dismissed. But in the
circumstances, without costs."

(A.P. NAGRATH)
Adm. Member

(JUSTICE B.S. RAIKOTE)
Vice Chairman

cvr.

R/cory
m
18

R cory
V. Steen
28

Part II and III destroyed
in my presence on 6-5-07
under the supervision of
section officer as per
order 13-3-2-207
N. G. N. H.
for (Record)

St