

I-14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

ORIGINAL APPLICATION NO. 41/2004

JODHPUR: THIS THE 7TH DAY OF NOVEMBER, 2006.

**HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER**  
**HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER**

U.R. Meena S/o Shri Chattar Ram by Caste Meena aged about 48 years, resident of Sumerpura, District Pali. Applicant is presently holding the post of Postal Assistant (SHG-II), Sumerpur, District Pali.

.....Applicant.

By Mr. Karni Dan Charan, advocate brief holder for Mr. Mukesh Mehra, for the applicant.

**Versus**

1. The Union of India through the Secretary to the Government of India, Ministry of Communication, Dak Tar Bhawan, Sansad Marg, New Delhi.
2. The Superintendent of Post Offices, Pali Division, Jodhpur (Marwar) 306401
3. The Post Master General, Rajasthan Western Region, Jodhpur

.....Respondents.

By Mr. M. Godara, advocate brief holder for Mr. Vineet Mathur, for the respondents.

**ORDER**

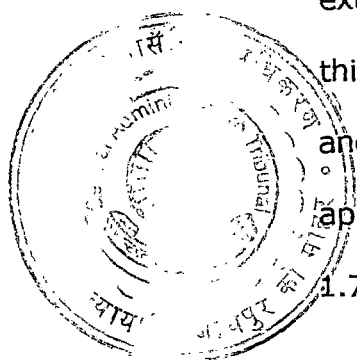
**[BY J. K. KAUSHIK, JUDICIAL MEMBER]**

Shri U.R. Meena has assailed the order dated 25.8.2003 at Annex. A/1, and has sought for its quashing. In addition, he is also seeking a direction to the respondents to allow him higher pay scale of Rs. 5000-8000 with effect from the date he has completed 26 years of service.

2. We have heard both the learned counsel representing the contesting parties and have carefully perused the pleadings as well as records of this case.

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3. The factual background of this case is within a very narrow compass. The applicant was initially appointed to the post of Postal Assistant on 21.3.1976, after successful completion of requisite training. He was allowed the lower selection grade w.e.f. 25.6.1982. In the year 1991, a scheme known as 'Biennial Cadre Review' (for short 'BCR'), was introduced, wherein, it has been provided that one would be entitled for promotion under the said Scheme on completion of 26 years of satisfactory service. Instructions were issued that benefits under the said scheme would be granted on the recommendation of DPC to be convened on every 1<sup>st</sup> January and 1<sup>st</sup> July and such would be the dates from which benefits would be given effect to. The applicant completed 26 years of service on 19.4.2002 after taking into account 26 days period of leave without pay and became entitled for the said benefits, but, he has been extended the benefits from 1.7.2002 instead of from 19.4.2002. Hence, this application. The respondents have refuted the legal aspect of the case and have submitted that as per the clarifications issued in the matter, the applicant has rightly been extended the benefits under BCR Scheme w.e.f. 1.7.2002.



4. Both the learned counsel for the parties have reiterated the facts and grounds narrated in respective pleadings of the parties. We have considered the rival submissions raised on behalf of both the parties. We take a judicial notice of one of the full bench decision of a coordinate bench of this Tribunal at Chandigarh sitting at Jammu in case of **Piran Ditta and 25 others Vs. Union of India and Others** reported in 2005 (1) ATJ 430. In that case, an identical controversy was referred to and the Full Bench has been pleased to decide the same in the following terms:-

Question referred to:

*[Handwritten signature]*

"Whether the benefits under BCR Scheme dated 11.10.1991 (Annexure A-1) are to be granted from the date one completes 26 years of satisfactory service OR

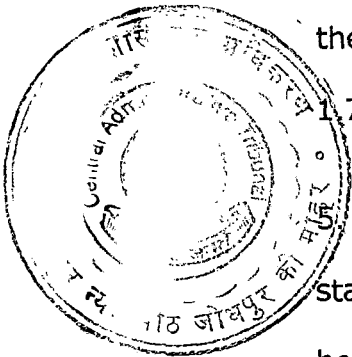
From the crucial dates of 1<sup>st</sup> January or 1<sup>st</sup> July, as the case may be, which is based on the Biennial Cadre Review of posts to be placed against such identified for upgradation from these crucial dates each year as per subsequent clarifications".

**Answer**

The benefit under the Biennial Cadre Review Scheme dated 11.10.1991 has to be granted from the date one completes 26 years of satisfactory service."

In the aforesaid decision, the issue has been fully settled and does not remain res integra. We have absolutely no hesitation in following the same; rather we are bound to follow the same and decide this Original Application on similar lines. The case of the applicant is well founded and the respondents' action in granting the applicant, benefit under BCR Scheme from 1.7.2002 cannot be approved; rather the same is unsustainable in the eye of law. The applicant is, therefore, fully entitled to the due benefits under the BCR Scheme w.e.f. 26.4.2002 instead of 1.7.2002.

In the premises, there is ample force in the Application and the same stands allowed. The impugned order dated 25.8.2003 at Annex. A/1 is hereby quashed and the respondents are directed to extend the due benefits under the BCR Scheme fixing the applicant in the pay scale Rs. 5000-8000 w.e.f. 26.4.2002 within a period of three months from the date of receipt of a copy of this order. No order as to costs.



*R.R. Bhandari*  
(R.R.BHANDARI)

**ADMV.MEMBER**

*J.K. Kaushik*  
(J.K.KAUSHIK)

**JUDL. MEMBER**

jrm

Pl COM  
(Kudatung Matar)  
20/11/06

Part II and III destroyed  
in my presence on 11/4/14  
under the supervision of  
section officer (I) as per  
order dated 31/01/14

Section officer (Record)

HV  
10/11