

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**Original Application No.294/2006**

Date of decision: 18th March, 2011.

**Hon'ble Mr. Justice Syed Md Mahfooz Alam, Judicial Member.**  
**Hon'ble Mr. Sudhir Kumar, Administrative Member.**

Gulam Farid S/o Shri Muzaffar Ali, aged about 59 years, R/o Ship House, Bharat Colony, Near Anand Villa Street, Jodhpur, working as Section Supervisor, LSG in the Department of Post, Jodhpur.

: Applicant.

Rep. By: Mr. Manoj Bhandari, counsel for applicant.

**Versus**

1. The Union of India, through the Secretary, Ministry of Communications, Department of Post, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Post Master General, Western Region, Jodhpur.
4. Shri S.K. Sharma, R/o Q. No.3, Type-IV, P&T quarter, Jagatpura Road, Malviya Nagar, Jaipur.

: Respondents.

Rep. By: Mr. M. Godara, proxy counsel for  
 Mr. Vinit Mathur, counsel for respondents.

**ORDER**

**Per Mr. Sudhir Kumar, Administrative Member.**

The applicant is working as Section Supervisor, Lower Selection Grade, in the Department of Post, and is before us aggrieved by the reply dated 30.10.2006 (Annexure-A/1) sent by the respondents to his lawyer in response to the legal notice sent on his behalf, and the reply dated 14/15.09.2006 (Annexure-A/2) supplied to him in response to his application under the Right to Information Act, 2005. In the prayer portion of O.A. also, he has only prayed for an appropriate order/direction for declaring the communication dated 30.10.2006 (Annexure-A/1) to his advocate

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to be declared illegal and to be quashed, and for direction upon the respondents to fix his pay scale in the cadre of Lower Selection Grade scale Rs.1600-2660 w.e.f. 26.06.1993, and all consequential benefits, and a further prayer for directions upon the respondents to confer the benefit of stepping up his pay to the pay scale of Rs.6500-10500 w.e.f. 19.03.1998 equivalent to that of private respondent No.R/4, S.K. Sharma, with all consequential benefits, including the arrears of salary, and interest thereupon, and any other reliefs.

2. The applicant further submitted that the case is within the period of limitation for filing the case. Facts as submitted by the applicant can be summarized as follows.

3. The applicant was appointed as a Postal Clerk on 12.02.1976, and qualified in the year 1981 for taking the examination held on 25.01.1981 for promotion to the post of UDC, and was thereafter promoted as UDC on 18.08.1981.

4. The respondents since introduced a Scheme called Time Bound One Promotion (TBOP) scheme, and in pursuance thereof, after completing 16 years of service in the clerical cadre, the applicant became eligible for upgradation to the scale of the post of Lower Selection Grade (LSG) (in the pay scale of Rs.1400-2300). The applicant has submitted that an order was passed on 19.01.1994 conferring this benefit upon him w.e.f. 26.06.1993. Later, the respondents introduced a BCR (Biennial Cadre Review) scheme, for further upgradation after 26 years of service.

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5. The applicant has submitted that the Ministry thereafter issued a clarificatory letter dated 08.02.1996, stating that those persons, whose seniority had been affected on the implementation of the BCR Scheme, because of which their juniors had been placed in the next higher scale, were also eligible for stepping up of their pay, making their pay equivalent to that of their junior. Since, the applicant's seniority had been affected, as his junior the private respondent No.R/4, Sita Ram Sharma, had been conferred the next higher pay scale of Rs.1600-2600 w.e.f. 01.07.1996, he submitted that he became eligible for grant of stepping up of his pay also, from the date of grant of the higher pay scale benefit to his junior.

6. In the meanwhile, one of the persons immediately junior to the applicant, Shri Jeevan Ram Meena, who is not a party respondent in this case, was granted TBOP/BCR Scheme benefit vide order dated 14.02.1997, by fixing his pay scale as Rs.1600-2660 w.e.f. 26.06.1993.

7. The applicant is aggrieved that even though he was senior to the said Jeevan Ram Meena, having been promoted in the UDC cadre on 18.08.1981, while the said Jeevan Ram Meena was promoted only on 15.06.1987, but when the fixation was made, he was granted fixation in the lower pay scale of Rs.1400-2300, while his immediate junior was granted the benefit of pay scale of Rs.1600-2600. He represented to the respondent authorities in this regard on 14.07.1997, but no reply was provided to him, and, in the meanwhile, the said Jeevan Ram Meena retired on attaining the age of superannuation.



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8. The applicant has submitted that the channel of promotion for the Lower Section Grade (LSG) cadre is 2/3<sup>rd</sup> by way of seniority-cum-fitness, and 1/3<sup>rd</sup> by way of passing selection quota, through a written examination. Before the introduction of the TBOP/BCR scheme, the Group-C staff of Circle Offices and Regional Offices were entitled to further promotion under 1/3<sup>rd</sup> quota of LSG by taking the qualifying departmental examination, while promotion against the 2/3<sup>rd</sup> quota was on the basis of seniority-cum-fitness. He submitted that one of his juniors, the private Respondent No.4 had passed the written examination in the year 1990 against 1/3<sup>rd</sup> quota, and, since he was promoted against this quota, he did not opt for TBOP/BCR Scheme introduced in the year 1993.

9. The applicant has cited para 3.14 of the TBOP/BCR Scheme to state that the existing LDC/UDC/LSG 1/3<sup>rd</sup> quota promoted officials, who do not opt for the TBOP/BCR Scheme, will not be eligible for future consideration against the existing promotional channels. However, thereafter, a circular was issued on 21.01.1998 by the Ministry of Communication, through Annexure-A/9, stating that one more opportunity shall be conferred to the incumbents, who are working as UDC/LSG with the Circle/Regional Office to opt for TBOP/BCR Scheme. The contention of the applicant is that this option granted through the revised instructions contained in the circular dated 21.01.1998 (Annexure-A/9) did not permit any leverage to the private respondent No.4 to continue to enjoy the benefit of the regular promotion conferred

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upon him in the year 1990 against 1/3<sup>rd</sup> Selection Quota, and, still opt for further benefit under the TBOP/BCR scheme. Therefore, as soon as the private respondent No.R/4 opted for being covered in the TBOP/BCR Scheme in the year 1998 under the revised instructions, the benefits which had accrued to him on account of his regular promotion under 1/3<sup>rd</sup> quota ought to have stood abolished as per the condition No.3.14 of the said scheme dated 22.07.1993. The grievance of the applicant is that the official respondents instead placed the private respondent No.R/4, Shri S.K. Sharma, in the next higher grade of 1600-2660, while even though he was senior, the applicant was conferred the pay scale of Rs.1600-2660 only w.e.f. the year 1996, since he had also opted for the scheme in the year 1998.

10. The grievance of the applicant is that as soon as the private respondent was granted further promotion to HSG Gr. I on the post of Section Supervisor, the applicant's pay also needed to be stepped up, as he was senior to said private respondent R/4 Shri S.K. Sharma in the cadre of UDC.

11. The applicant was later selected, and promoted as Section Supervisor LSG in the pay scale of Rs.4500-7000, but since he had already been conferred the pay scale of Rs.5000-8000, the fixation of his pay in FR-22 was held to be not admissible. The applicant represented in this behalf before the respondents, and also sought information under the Right to Information Act, 2005. Applicant, thereafter, also served a legal notice through his counsel by the registered post, and received the reply produced by him at

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Annexure-A/1, in which it has been stated that the private respondent No.R/4, Shri S.K. Sharma, is senior to the applicant, as he was substantively promoted to the LSG pay scale in the year 1990, and that his pay has now rightly been fixed in the pay scale of Rs.1600-2660 w.e.f. 26.06.1993 in pursuance of the second option Circular dated 21.01.1998.

12. The applicant states that this stand of the respondents cannot be sustained in the eyes of law, since, as soon as the private respondent No.R/4 had opted for the benefit of TBOP/BCR Scheme under the revised instructions for a second option, the benefit of promotion given to him in the year 1990 should have stood abolished. The applicant referred the clarification issued on 23.04.2001, whereby it has been clarified that the benefit of TBOP/BCR scheme is conferred as a financial upgradation with higher pay scale, and is not a promotion. His case is that initially, when the scheme was introduced in the year 1993, the fixation in the higher scale of pay under the TBOP Scheme was considered as promotion, under that scheme, but that after 2001, it has been as treated financial upgradation.

13. The applicant has assailed the action of the official respondents on the ground that he had completed 16 years of service in the year 1986, and completed 26 years of service in the year 1996, while, on the other hand, the private respondent No.R/4 completed 16 years of service much later than him, in the year 1994, and completed 26 years of service in the year 2004, and yet the official respondents have not taken these facts into

account, and have not considered that as per the provisions of this revised option TBOP/BCR scheme itself, the benefit of 1/3<sup>rd</sup> quota promotion granted to the private respondent No.R/4 should have stood abolished, as respondent No.R/4 cannot be permitted to be granted two benefits, of higher pay scale under TBOP/BCR scheme, as well as promotion in the grade of LSG. Making an alternative prayer, the applicant also prayed that even otherwise, the official respondents were wrong in not conferring the pay scale of Rs.1600-2660 upon the applicant from the date when the person junior to him, private respondent No.R/4, was granted the pay scale of Rs.1600-2660 w.e.f. 22.07.1993. He also cited the case of the salary of his superannuated junior Shri Jeewan Ram Meena having been fixed in the pay scale of Rs.1600-2660 w.e.f. 26.06.1993, even though he was junior to the applicant in the UDC cadre, and had not completed 26 years of service till that date. In the result, the applicant had prayed for the reliefs as enumerated above in the opening paragraph.

14. The respondents filed their reply written statement on 03.08.2007. They opposed the maintainability of this O.A. as the communication, which the applicant has sought to be declared illegal and quashed, is neither an order, nor it is in the form of an order, nor has it been addressed to the applicant, as it is merely a communication or reply to his advocate, and that such kind of communication or correspondence cannot be adjudicated upon before this Tribunal.

15. On the substantive issues raised in this O.A., the respondents clarified that when the private respondent No.R/4 had qualified in the departmental examination of LSG under 1/3<sup>rd</sup> quota, and was promoted as such in substantive capacity w.e.f. 13.10.1990, he became senior to the applicant by virtue of being substantively placed in a higher cadre. It was submitted that at the time of introduction of TBOP/BCR scheme w.e.f. 26.03.1993, the applicant was working as UDC only, and was junior to the private respondent No.R/4, who was already working in the substantive capacity in the Lower Selection Grade, higher than that of the UDC.

16. The official respondents clarified that private respondent No.R/4 had not initially opted for TBOP/BCR scheme, but subsequently, he opted for this scheme as per the subsequent concession granted for one more opportunity to exercise the option, and was, therefore, placed in the higher pay scale of Rs.1600-2600 w.e.f. 26.06.1993. It was categorically stated that since the applicant was junior to the private respondent No.R/4 at the time of introduction of TBOP/BCR Scheme w.e.f. 26.03.1993, by virtue of the latter's prior promotion in substantive capacity to higher grade, the applicant has no claim for being placed in the pay scale of Rs.1600-2600 w.e.f 26.03.1993 at par with the private respondent No.R/4.

17. The respondents further clarified that there are two promotion/upgradation schemes in operation. On the one hand, the TBOP/BCR scheme is for the people, who are granted financial upgradation without promotion, and, simultaneously on the other

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hand, the norms based promotions are also extended, subject to the incumbents qualifying the examination of Lower Section Grade, Higher Selection Grade-II and High Selection Grade-I. The applicant has not got any promotion in the norms based promotion line, and, therefore, it is clear that the applicant as well as the private respondent No.R/4 are moving on two different tracks, and, therefore, the applicant cannot claim parity with the private respondent No.R/4.

18. Regarding stepping up of the pay, the respondents pointed out that when on 29.11.1996, stepping up of pay was granted to the applicant vis-à-vis his junior, Sita Ram Sharma, the instruction dated 08.02.1996 dealing with the fixation of salary of the person whose seniority had been adversely affected by the implementation of the BCR scheme was in existence. They pointed out that this circular had since been replaced by the new circular dated 17.05.2000 (Annexure-R/1) dealing with the subject. It is seen that this circular dated 17.05.2000 had been issued on the basis of the judgment of the Hon'ble Supreme Court dated 08.03.1988 in the case of R. Prabhadevi & others vs. Union of India & others, in which the Hon'ble Supreme Court had laid down the following principle:-

"Seniority in a particular cadre does not entitle a public servant for promotion to a higher post unless he fulfills the eligibility condition prescribed by the relevant rules. A person must be eligible for promotion having regard to the qualifications prescribed for the post before he can be considered for promotion. Seniority cannot be substituted for eligibility nor it can override it in the matter of promotion to the next higher post."



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19. It was reiterated by the official respondents that in the light of this revised circular on the basis of the Hon'ble Supreme Court judgment as cited above, the applicant cannot claim any right to promotion without fulfilling the eligibility conditions, and the length of service merely entitles him to the grant of TBOP/BCR financial upgradations, and not the benefits equal to substantive promotion, which was granted to private respondent No.R/4 when he passed the LSG 1/3<sup>rd</sup> quota examination in the year 1990, and became senior to the applicant. It was further submitted that para 3.14 of the TBOP/BCR scheme was for the purpose of future application, and did not affect the seniority of the officials who had already been promoted substantively under 1/3<sup>rd</sup> LSG quota. It was pointed out that this para 3.14 merely states that the existing LDC/UDC/LSG 1/3<sup>rd</sup> quota promoted officials, who opt for the TBOP/BCR scheme, will not be eligible for future consideration against the existing regular promotional channel, meaning thereby that LDCs will not be promoted against the posts of UDCs, and LSG will not be promoted against the HSG-II cadre vacancies, and that all promotions based upon 1/3<sup>rd</sup> promotional quota was to be abolished for the future, after the introduction of this TBOP/BCR scheme. The official respondents therefore justified that even though now the earlier orders dated 08.02.1996 and 21.01.1998 have been superseded by the order dated 17.05.2000, which has been issued on the basis of the Hon'ble Supreme Court's decision, but all the past cases cannot now be reopened, as the applicant has sought to do.

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20. The official respondents submitted that benefits of the previous letter dated 08.02.1996 did not go to the applicant, as no person junior to the applicant was granted the benefit of regular promotion, or financial upgradation under the BCR scheme, which would have adversely affected the seniority of the applicant. On the other hand, they submitted that when the seniority of the private respondent No.R/4, who had already been promoted to the LSG cadre, was affected by the implementation of the BCR scheme, by virtue of placement of his juniors in the next higher grade, the private respondent No.R/4 was also ordered to be placed in the higher pay scale w.e.f. 26.03.1993, without completing the length of service of 26 years under the BCR scheme in terms of the standing orders in this regard. It was clarified that the meaning of para 3.14 of the TBOP/BCR Scheme circular is only that in future the scheme of LSG 1/3<sup>rd</sup> quota promotion was to be abolished, and no future LSG 1/3<sup>rd</sup> quota promotional examination was to be conducted, ~~and~~ but that those who had been conferred LSG 1/3<sup>rd</sup> quota promotions before the introduction of the TBOP/BCR scheme could not have been demoted, by taking back of their promotion already granted. They submitted that the interpretation of the applicant that the LSG 1/3<sup>rd</sup> quota promotion granted to the private respondent No.R/4, which had been granted prior to the issuance of the TBOP/BCR benefits circular stood abolished or taken back in view of the para 3.14 is erroneous, as this para applied only for the future promotions of LSG 1/3<sup>rd</sup> quota, which method of according promotions was stopped/abolished.

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21. The official respondents further submitted that as per the position existing now, the applicant is norm based LSG Supervisor, whereas the private respondent No.R/4 is norm based HSG-I Supervisor, and since the two are ~~initially~~ <sup>in totally</sup> different pay scales ru. altogether, the applicant cannot claim parity of pay with the private respondent No.R/4. They further submitted that in view of the explanations given in detail, there is no violation of Articles 14 & 16 of the Constitution of India as alleged by the applicant. Explaining the case of Jeewan Ram cited by the applicant, it was submitted that since he was a ST candidate, he was given higher scale of pay against the ST point, and, therefore, the applicant cannot claim parity with the said Jeewan Ram Meena also. The respondents further prayed that in the result none of the grounds raised by the applicant are sustainable in the eyes of law, and the OA deserves to be rejected.

22. The applicant filed a rejoinder on 01.10.2007 more or less reiterating his pleadings in the O.A., as already described above. He reiterated his stand that the benefit of both 1/3<sup>rd</sup> quota substantive promotion, as well as TBOP/BCR scheme financial upgradation could not have been granted to private respondent No.R/4, and the anomaly has been created in their pay, because the private respondent No.R/4 was granted the BCR benefit, available only after 26 years of service, w.e.f. 26.06.1993, when actually he had not completed even 16 years of service. He denied the applicability of the modified circular/revised guidelines dated 17.05.2000 (Annexure-R/1) to his own case. He said that he is not

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claiming seniority, but is only claiming that his pay should be stepped up to be equivalent to that of his junior Shri S.K. Sharma, who was junior to him in the UDC cadre earlier. He also submitted that the para 3.14 of the TBOP/BCR scheme does not mention the words "for future", and therefore, the interpretation given by the official respondents was incorrect. He again and again reiterated in the rejoinder that the private respondent No.R/4 had been granted dual benefit, while the intention of the TBOP/BCR scheme was not to grant dual benefit. He also repeatedly stated that the circular dated 17.05.2000 is illegal and deserves to be quashed as it is violative of Articles 14 & 16 of the Constitution of India.

23. The respondents chose to file an additional affidavit on 05.03.2008, in which once again their stand was repeated. They pointed out that a Larger Bench of Cuttack Bench of this Tribunal had in its order dated 31.01.2005 in OA No.329/2000 decided that TBOP/BCR scheme introduced by the Department of Posts are not promotions to the next higher posts, and as such they are not in conflict with the norm based promotions to LSG and HSG-II cadres as provided in the Recruitment Rules. The official respondents had once again prayed for the O.A. to be dismissed.

24. The applicant then chose to file an additional affidavit on 15.02.2010. Through this, he had tried to bring in the picture a third junior of his, Mohd. Idris Ansari, who was also junior to him in the cadre of LDC and UDC, and he submitted that private respondent No.R/4, S.K. Sharma, and the said Mohd. Idris Ansari, had passed the 1/3<sup>rd</sup> quota promotional test in July, 1993, and,

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therefore, their promotion to the post of LSG was subsequent to the applicant. He was aggrieved that he had sought the personal records of Shri S.K. Sharma under the Right to Information Act, but the same denied to him as third party information, even though it was vital and important for his case. He, therefore, prayed for the respondents to be directed to produce the entire service records of respondent No.4, and the other junior Mohd. Idris Ansari, in order to adjudicate the entire controversy in accordance with the law, and prayed that fixation of his pay may be made equivalent vis-à-vis his junior, and the O.A. may be allowed.

25. The respondents, thereafter, filed another additional affidavit on 16.09.2010. In this they clarified that the seniority of the applicant vis-à-vis Shri S.K. Sharma, private respondent No.R/4, and Mohd. Idris Ansari in the LDC/UDC cadre is not material to be adjudicated in the present OA. They pointed out that both these persons had become senior to the applicant by virtue of their passing the 1/3<sup>rd</sup> LSG quota Departmental examination, and submitted that the private respondent No.R/4 had been granted such promotion against that quota vide promotion order dated 09.10.1990 itself, and the applicant was now trying to introduce a new version, revising his own contention as given in the original application, which was not permissible, and that the additional affidavit filed by the applicant was misconceived and misleading. They also pointed out that the said Mohd. Idris Ansari was not made a party in the present O.A., and the applicant has raised a

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new issue in connection with his case, even though the said Mohd. Idris Ansari was declared successful in the Departmental Competitive Examination for promotion to LSG 1/3<sup>rd</sup> quota against the vacancies of 1992, and thereby he had also become senior to the applicant. By way of Annexure-R/1 & R/2, they had sought to produce the charge report of the two individuals dated 15.10.1990 in respect to the private respondent No.R/4, and dated 01.02.1993 in respect to the said Mohd. Idris Ansari, who is not a party in this O.A.

26. Heard both the learned counsels, who argued vehemently along the lines of their numerous submissions in the O.A., reply written statement, rejoinder, and the additional affidavit thereafter. We have given our anxious consideration to the facts of the case.

27. Firstly, in respect of the Annexure-R/1 revised guidelines dated 17.05.2000 filed by the respondents on 02.08.2007, it is seen that that circular has been issued on the ratio of the Hon'ble Supreme Court itself in the case of R. Prabhadevi & ors. vs. Union of India & Ors. (supra) decided on 08.03.1988, which observations have already been cited above. Therefore, the contention of the applicant and the learned counsel for the applicant that this circular, issued on the basis of the Supreme Court's judgment, is illegal and violative of Articles 14 & 16 of the Constitution of India, is not acceptable at all.

28. Learned counsel for the applicant relied upon the following cases in support of his arguments:-

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- i) Union of India vs. P. Jagdish & others: (1997) 3 SCC 176.
- ii) Punjab State Electricity Board & ors. v. Gurmail Singh: (2008) 7 SCC 245.

29. In the case of P. Jagdish (supra), it is seen that it was a case relating to the fixation of pay and stepping up of pay, and the applicability of Principle of Fundamental Rule-22. Here, in the present case, the private respondent No.R/4, and the other person Shri Mohd. Idris Ansari, had both taken Departmental Competitive Examination for 1/3<sup>rd</sup> quota LSG norms based promotion, and had got norms based substantive promotion much prior to the commencement of the TBOP/BCR Scheme itself. Therefore, this case is not a simple case of stepping up of pay, and applicability of FR-22, and it appears that the benefit of the case of P. Jagdish (supra) will not be available to the applicant of this case.

30. In the case of Punjab State Electricity Board & ors. v. Gurmail Singh (supra), the case of UDC getting lower pay scale while the LDCs getting higher pay scale had been considered by the Hon'ble Supreme Court. From the facts of the case, it is seen that the ratio as decided in this case also does not come to the rescue of the applicant, more so because the Hon'ble Supreme Court had held that Article 14 being a positive consent constitutional scheme, and since equity cannot be applied in illegality, and had upheld the powers of the Punjab Electricity Board to lay down terms and conditions of the service of the employees, and issue circulars, apart from regulation. No benefit accrues to the applicant for this judgment cited by him also.

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31. It is clear from the facts of this case that no order adverse to the case of the applicant has either been passed by the respondents or has been impugned. What the applicant has challenged is the reply to the legal notice issued on his behalf by his counsel, and the information provided to him under the Right to Information Act. Even this reply, when read carefully, does not provide any definite cause of action for the applicant to move this Tribunal, as no immediate cause of action arose within the limitation period prior to the date of filing of the OA on 23.11.2006. Mere receipt of a clarification by the applicant's counsel through Annexure-A/1 in regard to the legal notice, and mere receipt of reply to the queries raised in the Right to Information Act, through Annexure-A/2 dated 14/15/.09.2006, cannot be stated to give rise to any cause of action for the applicant to agitate before this Tribunal. Therefore, it appears that the O.A. is not maintainable at all.

32. Still, having heard the case on merit, it appears appropriate to comment on the merits of the case also. We see justification and logic in the contention of the official respondents that the private respondent No.R/4 had stood promoted under the 1/3<sup>rd</sup> promotion quota LSG promotion stream, by virtue of his passing the departmental examination, and he become senior to the applicant. After the respondent No.R/4 having become senior, his career path was bound to be different, and the applicant as such cannot claim parity with the pay scale admissible to the private respondent No.R/4, only because in the distant past, he was senior

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to private respondent No.R/4 in the LDC and UDC grade, more so when he also had an opportunity to appear in the same Departmental Competitive Examination, and avail of the same promotion under 1/3<sup>rd</sup> LSG quota promotion vacancies, which he had failed to avail of, by his consciously deciding not to appear in the departmental examination.

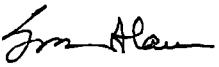
33. Fortuitous circumstances are a part of the service career of any Government servant. In this particular case, the applicant did not avail of an opportunity to advance his own career in the scheme which provided for norms based promotion on the basis of result of Departmental Competitive Examination. His erstwhile colleague private respondent No.R/4, and one Shri Mohd. Idris Ansari, took those examinations, availed of the norms based promotion~~s~~ and moved ahead in life. Later, by virtue of the operation of the circular dated 08.02.1996 read with circular dated 21.01.1998, they were allowed the benefit of TBOP/BCR scheme also, when their junior in the promotional cadre of LSG had, in the meanwhile, moved ahead of them, as regards pay scale was concerned. But the applicant was at that time nowhere in the picture to avail of that benefit also. Therefore, merely because in distant past the applicant was senior to the private respondent No.R/4, and the said Mohd. Idris Ansari, he cannot stake a claim for parity of his pay scale to be fixed with that of these two of his erstwhile juniors, who have availed of the opportunity available for them to avail of norms based promotion~~s~~ and the benefit of BCR SL.

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also at the appropriate points of time, and have moved much ahead of the applicant.

34. In the result, the prayers as made by the applicant cannot be granted, and the O.A. is, therefore, dismissed. But, in the circumstances of the case, there shall be no order as to costs.

  
[Sudhir Kumar]  
Administrative Member

  
[Justice S.M.M. Alam]  
Judicial Member

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