

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**Original Application No.46/2010**

Date of decision: 16.05.2011

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

Prakash Chandra Bothra S/o Shri Chintamani Dass, aged about 58 years, by caste Oswal, R/o 208 Dhani Bazar, District Barmer. Office Address: HO Churu (Postal Deptt.), District Churu, employed on the post of SPM.

: Applicant.  
Rep. By Mr. S.P. Singh: Counsel for applicant.

**Versus**

1. Union of India through Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-302007.
3. The Director, Post Master General, Western Region, Jodhpur.
4. Superintendent of Post Offices, Barmer Division, Barmer-344001.

: Respondents.

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

**ORDER (ORAL)**  
**Per Justice S.M.M. Alam, Judicial Member.**

Applicant Prakash Chandra Bothra, who is presently working on the post of Postal Assistant/SPM at Churu HO, has preferred this Original Application for grant of following reliefs:-

"(a) The respondents may kindly be directed to consider the case of applicant for promotion (HSG-I) with all consequential benefits.

(b) The respondent may kindly be directed to consider the applicant case of BCR promotion on completion of 26 years of service on 28.06.1999.

(c) That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(d) That the costs of this application may be awarded to the applicant."

2. The brief facts of the case are as follows:

The applicant is presently posted at Churu HO as Postal Assistant/SPM. He has rendered his unblemished service for a period of 38 years and now he is at the verge of his retirement. His grievance is that his juniors have been promoted to HSG-I but despite being eligible, he has not been promoted to the said post due to the fact that the respondents have wrongly calculated the length of service of the applicant as a result of which his promotion under BCR Scheme was granted with delay of approximately one year 27 days and the said period of one year 27 days was wrongly declared as dies non period. It is stated that due to the wrong calculation of the period of dies non, the applicant was not promoted to HSG-I from the HSG-II grade in spite of fact that he was eligible for promotion to the said post and his juniors had already been granted promotion to the said post and so the necessity of filing of this O.A. arose.

3. On filing of the application, notices were issued to the respondents and in compliance to the notices, respondents appeared through lawyer and filed reply to the O.A. As per the reply of the respondents, their case is that the postal department had introduced Time Bound One Promotion Scheme in 1983 (TBOP in short) on completion of 16 years of service and another Biennial Cadre Review (BCR in short) on completion of 26 years of service aiming at up-gradation of pay for the employees who were otherwise facing problems of stagnation in their service career. However, these financial up-gradations cannot be equated with the

promotion in the cadre of norm based posts as Lower Selection/High Selection II. The promotion of postal Assistant to the cadres of LSG/HSG-II/HSG-I are allowed only to the norm based supervisory posts which is limited in the Circle as a whole, whereas financial up-gradations to TBOP and BCR have been granted to all Postal Assistants in the department with 16/26 years of service and are otherwise eligible for the same. The TBOP/BCR placements are only financial up-gradations and they have no correlation with regular promotion in LSG and HSG II and so the applicant's contention that he should be promoted to HSG-I is not acceptable.

4. Further averment is that the applicant completed his 26 years of service on 31.05.1998, accordingly his case under B.C.R. Scheme was considered by DPC held on 29.06.1998 but his case was not recommended due to the currency of punishment and not on the basis of non-qualifying service and as the record of the applicant was not satisfactory up to 1<sup>st</sup> half of the year 2000, as such the DPC did not find him eligible for grant of B.C.R. up to June 2000. It has been further contended that the period of dies non can be counted towards qualifying service for the purpose of TBOP/BCR although in the case of the applicant the reason for late grant of BCR was not qualifying service but unsatisfactory record of service.

5. Shri S.P. Singh, Advocate, appeared for the applicant whereas on behalf of the respondents Shri M.S. Godara, proxy counsel for Mr. Vinit Mathur, appeared and argued the case.

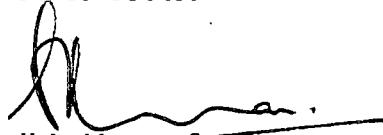
6. During the hearing of this application, both the lawyers submitted that this O.A. can be disposed of without going into the merit of this case with direction to the respondents to treat this O.A. alongwith its annexures as representation of the applicant and thereafter to decide the same in the light of the averment made in the O.A. as well as in the light of Annexure-A/16 and Annexure-A/19 of the O.A. and rejoinder.

7. We have heard the submission of both the sides and on going through the respective case of the parties, we are of the view that instead of passing any order on merit, for the present a direction can be issued to the respondents to treat the O.A. filed by the applicant alongwith its annexures as representation of the applicant and thereafter consider the case of the applicant in the light of Annexure-A/16 and Annexure-A/19 alongwith other annexures and to pass speaking order in this regard.

8. In the result, we dispose of this O.A. with direction to the applicant to produce the copy of this O.A. alongwith all its annexures before the respondents, which will be treated as representation of the applicant and thereafter the respondents shall consider the averments made in the O.A. and after perusing all the annexures specially Annexure-A/16 and Annexure-A/19 of the O.A. and its rejoinder, shall pass a detailed and speaking order in respect of the reliefs claimed by the applicant. It is observed that the applicant shall produce the copy of the O.A. alongwith its annexures before the respondents within 15 days from the date of this order and thereafter the respondents shall dispose of the

representation of the applicant within a further time of three months from the date of production of the copy of the O.A.

9. With the above direction, this O.A. stands disposed of. No order as to costs.

  
[Sudhir Kumar]  
Administrative Member

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

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