

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 178/2012

Jodhpur this the 13th October, 2015

CCRAM

**Hon'ble Mr. Justice Harun-Ul-Rashid, Judl. Member
Hon'ble Ms Meenakshi Hooja, Admv. Member**

Prakash Chandra Bothra S/o Shri Chintamani Dass, aged about 59 years, b/c-Oswal, R/o 208 Dhani Bazar, District-Barmer. Office Address:- HO Churu (Postal Dept), Dist-Churu.

.....Applicant

(By advocate : Mr S.P. Singh)

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-302 007.
3. Asst. Director, Postal Services, Rajasthan, Western Region, Jodhpur-342001.

.....Respondents

(By Advocate : Mr K.S. Yadav)

ORDER (Oral)

Per Ms Meenakshi Hooja

This Original Application has been filed by the applicant under Section 19 of Administrative Tribunal's Act, 1985 seeking following

- a. That by writ, order or direction the impugned order dated 20.12.2011 (Annex. A/1) may kindly be declared illegal, unjust, improper and deserved to be quashed and set aside.
- b. That by Writ, order or direction the respondents may kindly be directed to grant BCR on completion of 26 years of service and BCR is to be considered equal to HSG-I.
- 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. During hearing, counsel for applicant submitted that as brought out in the OA, the respondents formulated Scheme of TBOP financial upgradation in the year 1983 and BCR in the Year 1991. The TBOP was granted on completion of 16 years of service and BCR ought to be granted on completion of 26 years of service. He further submitted that the respondents wrongly calculated the date to fix BCR. The applicant completed 26 years of service on 01.06.1998 but the DPC granted BCR w.e.f. 01.07.2000. The respondents stated in their letter dated 24.07.2007 (Annex. A/3) that the reason for not granting BCR is non-qualifying service whereas the competent authority granted the EOL. Therefore, the applicant filed OA No. 46/2010 which was decided vide order dated 16.05.2011 (Annex. A/4) in which the directions were given to the respondents to consider the averments in the OA and the Annexure especially, A/16 and A/19 and the rejoinder and pass a reasoned and speaking order. In pursuance of the same, the respondent No. 2 i.e. Chief Postmaster General has passed the order dated

[Signature]

to the decision dated 20.03.2008 of CAT Jaipur Bench in OA No. 113/07 and order of the Himachal Pradesh High Court dated 17.12.2009 in C.W.P. No. 110/40 in All India Postal Employees Union & Anr. Vs UCI & Ors wherein, it has been held that the BCR has to be granted on completion of 26 years of service. Counsel for applicant prayed that Annex.A/1 be set aside because it is per se illegal and it is passed without application of mind and correct factual and legal aspects of the matter.

3. Per contra, counsel for respondents while referring to reply of Ground B submitted that the applicant was appointed on 01.06.1972 and completed 26 years of service on 31.05.1998, therefore, his case was considered by the DPC held on 29.06.1998 at CO Jaipur on completion of 26 years of service for financial upgradation under BCR Scheme but not recommended by DPC due to unsatisfactory record of service/currency of punishment and again the case of applicant for financial upgradation in BCR Scheme was considered in DPC held on 28.03.2001 and found fit for BCR w.e.f. 01.07.2000. This has also been clearly held in the order dated 20.12.2011 (Annex. A/1) as under :

“I have gone through the direction/decision of the Hon’ble CAT Bench Jodhpur in OA No. 46/2010 and Annexure A/16, Annexure/19 rejoinder and other annexure as well as submission made by Shri P.C. Bothra in his representation dated 30.05.2011 alongwith relevant record/rules and found that the applicant was appointed on 01.06.1972 and completed 26 years of service on 31.05.1996. Accordingly his case was considered by the DPC held on 29.06.1998 but not recommended due to unsatisfactory

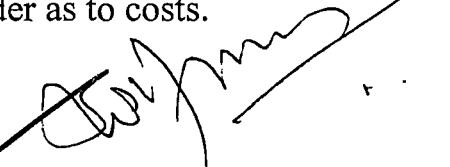
non qualifying service. Punishment toned down to 'Censure' has no effect on the decision of DPC held earlier. As such contentions put forth by the applicant are not tenable."

He, therefore, prayed for the dismissal of the OA.

4. We have considered the above submissions and contentions and perused the record. It is seen that when the applicant completed his 26 years of service i.e. on 31.05.1998, his case was considered by the DPC but it was not recommended due to unsatisfactory record of service and thereafter it was considered again in the DPC held on 28.03.2001 and after being found fit he has already been granted BCR w.e.f. 01.07.2000. Thus it cannot be said that he was not considered for BCR after completion of 26 years service. The order dated 20.12.2011 (Annex. A/1) passed in pursuance of the decision dated 16.05.2011 of the Tribunal in OA No. 46/2010, is reasoned and speaking. As the applicant was duly considered after 26 years of service for grant of BCR but was not found fit because the DPC did not recommend his case due to unsatisfactory record of service and thereafter he was again considered and he has been granted BCR w.e.f. 01.07.2000, there appears to be no ground to interfere with, or set aside the order Annex. A/1 dated 20.12.2011 or to grant any other relief.

5. Accordingly, OA is dismissed with no order as to costs.


[Meenakshi Hooja]
Administrative Member


[Justice Harun-Ul-Rashid]
Judicial Member