

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

Original Application No. O.A.332/00108/2010

This, the 18th day of May, 2016.

**HON'BLE MR. NAVNEET KUMAR, MEMBER(J)
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)**

1. Virendra Tiwari, aged about 50 years, c/o Late Gayadeen Tiwari, at present working as P.A., S.B.C.O. G.P.O.Lucknow.
2. Chandra Bhal Tiwari, aged about 50 years, son of Sri Tilak Narain Tiwari at present working as P.A., S.B.C.O. Circle Pairing Unit , New Hyderabad, Lucknow.

Applicants

By Advocate: Sri Surendran P.

VERSUS

1. Union of India through Secretary, Ministry of Communication, Department of Posts, Government of India New Delhi.-1.
2. Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. Chief Post Master General, U.P. Circle, Department of Posts, Lucknow.
4. Chief Post Master G.P.O. Lucknow.

Respondents

By Advocate: Sri Y. C. Bhatt.

ORDER (ORAL)

By Hon'ble Mr. Navneet Kumar, Member (J)

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with a prayer to issue a direction to the respondents to grant benefit of BCR to the applicants w.e.f. 01.10.1991 the date on which junior to the applicants was given the benefit. The learned counsel for the applicant categorically indicated that the applicant was initially appointed as UDC 1983 and one Sri Shamim Ahmad was appointed as UDC in 1984. In 1991, One Time Bound Promotion Scheme was issued and the BCR Scheme was also issued. In 1996, directions are issued that the employees be also given the benefit of the aforesaid scheme. In 2004, the Calcutta Bench of this Tribunal



issued a directions to extend the benefit of BCR Scheme to all similarly situated persons which was confirmed by the Hon'ble High Court Calcutta in 2005. The applicant submitted a representation for granting the said benefit through his representation dated 20.7.2009 as contained in Annexure -14 to the O.A. The learned counsel for the applicant has made an innocuous prayer that the applicants representation so submitted, be considered and decided by the authorities within a reasonable period of time in accordance with law.

2. On behalf of the respondents, detailed counter reply is filed, but during the course of arguments, since the prayer so sought for by the applicant was innocuous in the nature in respect of taking a decision on the representation dated 20.7.2009, as such learned counsel for the respondents without arguing the case on merit indicated that he has no instructions as to whether the said representation is still pending or the same has already been disposed of.

3. On behalf of the applicant, rejoinder is filed and through rejoinder, mostly the averments made in the O.A. are reiterated and the contents of the counter reply are denied.

4. Heard the learned counsel for the parties and perused the record.

5. The applicant relied upon one decision of this Tribunal passed in O.A. No. 601 of 1996 as well as the decision of the Hyderabad Bench of this Tribunal passed in O.A. No. 701 of 2006. The prayer so sought for by the applicant is innocuous in nature, as such, without entering into the merits of the case we dispose of this O.A. by issuing a direction upon the respondents to decide the representation of the applicants dated 20.7.2009 in accordance with law and if the applicants are found similarly situated, they shall also be extended the benefit of grant of BCR Scheme as prayed by them. The said decision shall be taken by the respondents within a period of 4 months and the decision so taken shall be communicated to the applicant. The applicants are also directed to

provide the copy of the representation dated 20.7.2009 along with the copy of the order to facilitate the authorities for early disposal of their representation.

6. With the above observations, the O.A. stands disposed of. No order as to costs.

J. Chandra
(Ms. Jayati Chandra)
Member (A)

Navneet Kumar
(Navneet Kumar)
Member (J)

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