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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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(1) Original Application No. 226 of 1992

L.K.Choshal and others

Petitioners/Applicants.

versus

Union of India & others

Respondents.

C 4 M. 458/92
(2) Smt. Asha Tewari & ors.

Applicants

versus

Union of India & others

Respondents.

Shri P.K. Khare Counsel for Applicants.

Shri V.K. Chaudhary Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

In these two applications, which are connected together, the applicants have prayed that a direction be issued to the respondents to afford promotion to the petitioners w.e.f. 1.6.1974, the date from which their juniors have been promoted with all consequential benefits and the seniority list issued vide letter dated 4.10.78 be adhered to strictly and the petitioners be afforded all consequential benefits pursuant to the said seniority list over and above their juniors and on the basis of the revised seniority list the petitioners concerned be also afforded the next promotion in the scale of Rs 2000-3200

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w.e.f. 1.1.91/26.9.91 the date when their juniors Sri S.D. Narain and R.K. Singh were promoted.

2. Although a number of opportunities were given to the respondents but they have not filed counter affidavit. Shri V.K. Chaudhary, learned counsel for respondents prayed for time to file counter affidavit but we find no justification to grant time to file counter affidavit. More so, when the case is being disposed of after considering the pleadings of the counsel for both the parties.

3. Similar matter was disposed of by the Principal Bench with which decision we also agree. In the said case also the applicants were employed as Telegraph Assistants and the channel of promotion were

Section Supervisor-Sr. Section Supervisor-CCS. Class-II

The two channels of promotion are under normal 2000-3200 and other time bound/Biennial Cadre Review.

The question for determination was also the same in the above case -O.A. No. 1455/91 'Smt. Santosh

Kapoor and others vs. Union of India & others' decided on 7.7.92. In the said case, after taking into consideration normal channel of promotion and contentions of learned counsel for the applicant that they should be senior in the basic cadre and the reasons for the same. The scheme for biennial cadre review provides for the scale of Rs 2000-3200 and so this scale is a part of BCR and the normal promotion scale is Rs 2000-3200. The letter dated 16.10.90 also says that BCR will be applicable for only those cadres in Group C & D for which scheme one time bound promotion on completion of 16 years of service in basic cadre is already in existence. The contentions were taken into account and

and the Tribunal observed:

"We find that the scale of Rs 2000-3200 is clearly a part of the B.C.R. scheme: 10% of the scale of the posts in 1600-2660 are placed in the scale 2000-3200. It appears that BCR provided for this since those coming under B.C.R. would hardly have any opportunity to go to the higher scale of Rs 2000-3500 by virtue of seniority. The promotion to 2000-3200 should be based on seniority of officials maintained with reference to basic cadres vide clarification in the Telecommunication Deptt's letter of 11.3.91.

Basic cadre in various posts are shown in para 2 (vi) of the BCR scheme of 16th Oct, 90. The scale of Rs 200-3200 is like a non functional scale under BCR and the mere drawal of this scale will not entitle the drawee to any preferential seniority in the scale of Rs 1600-2600.

In the above view of the matter we direct that the promotions to 10% posts in scale 2000-3200 would have to be based on seniority, in basic cadres subject to fulfilment of other conditions in the BCR viz. those who were regular employees as on 1.1.90 and had completed 26 years of service in basic grades (including higher scales)

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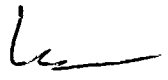
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4. We also agree with the above directions and the above directions will be applicable in the present case.

5. Application stands disposed of as above with no order as to costs.


Adm. Member.


Vice Chairman.

Shaeel/-

Lucknow: Dated: 23.2.93