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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
O.A.No. 339/92

Lucknow this the 08 day of Feb., 2001.

HON. MR. D.C.VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Narain Seth, aged about 47 years, son of late Shri Ram Charan Seth, resident of D-288, Rajajipuram, Lucknow at present posted at sub Post office, Victoriaganj, as Sub Post Master.

Applicant.

Applicant in person.

versus

1. Union of India through the Director General Post, New Delhi.
2. The Senior Supdt. of Post Offices, Lucknow Division, Lucknow.
3. Chief P.M.G. U.P. Lucknow.

Respondents.

By Advocate Dr. D. Chandra.

O R D E R

BY D.C.VERMA, MEMBER(J)

The applicant of this case has claimed benefit under the B.C.R. Scheme w.e.f. 1.10.91.


2. Under one time bound Scheme, the applicant had been given benefit on completion of 16 years of service in the year 1983. Another Scheme known as "Biannual Cadre Review (in short B.C.R.)" was introduced and benefit was to be given to those who completed 26 years of satisfactory service. A D.P.C. was held to recommend the names of eligible officers for B.C.R. Scheme who had satisfactory and unblemished record of service. The name of the applicant was considered but as his record of service was not found satisfactory, the name of the applicant was not approved by the D.P.C. The main ground for non approval of the applicant for benefit of B.C.R. Scheme was that the applicant was earlier

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censured twice in the year 1986-87 and the other ground was that a charge sheet under rule 16 of the C.C.S. (C.C.A.) Rules, 1965 had been initiated and the applicant was awarded the punishment of withholding of increment for two years for an offence committed in 1991.

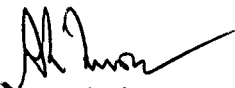
3. The applicant, ~~who~~ appeared in person and submitted that though the applicant has been granted the benefit of B.C.R. Scheme, from a subsequent date ~~he~~ is entitled to the said benefit w.e.f. 1.10.1991 because of his acquittal in the criminal case. The applicant has also filed a copy of the judgment dated 18.2.2000. The submission of the applicant is that he was implicated falsely in a case under section 380/411 I.P.C., but after trial, the criminal court has acquitted the applicant vide his judgment and order dated 18.2.2000. The applicant submitted that it was the ground on which the applicant was not granted benefit of B.C.R. Scheme w.e.f. 1.10.1991.

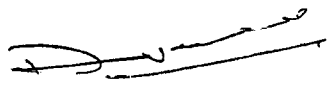
4. On perusal of record we find that as per the grounds mentioned in the Counter Affidavit, there were two censure entries against the applicant in the year 1986-87 and the other ground was withholding of increment for two years in the year 1990-91 for a misconduct of the year 1991. All the departmental punishments became final. The applicant made no representation against the two censure entries and the disciplinary proceedings. Pendency of criminal case was not the ground for not giving promotion to the applicant. Thus, acquittal in the criminal case has no effect on non approval of the applicant's name for benefit of B.C.R. Scheme. After acquittal in the criminal case, the applicant has sent an appeal to the Director Postal Services on 3.6.2000. The applicant submitted that as the said appeal is pending with the Director Postal Services,



the applicant be granted benefit of the B.C.R. Scheme w.e.f. 1.10.91.

5. We are unable to find any merit in the submission of the applicant. We do not wish to make any comment on the alleged appeal sent by the applicant on 3.6.2000. We however, are of the view that the D.P.C. which did not find the applicant fit for promotion under the B.C.R. Scheme due to unsatisfactory work and conduct of the applicant, cannot be faulted and therefore, it cannot be interfered. The O.A. has no merit. The same is dismissed. Costs easy.


MEMBER(A)


MEMBER(J)

Lucknow; Dated: 08-2.01

Shakeel/