

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No.28/2001

Dated this Thursday the 30th August, 2001.

Coram : Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Shri G.C. Srivastava, Member (A).

Shri R.N. Kunjire,
Postal Assistant,
S.B.C.O.,
Miraj H.O. (Sangli) 416 110.

.. Applicant.

Applicant by Shri S.P. Inamdar, Advocate.

Vs.

1. Union of India, through
The Chief Postmaster General,
Maharashtra Circle,
Mumbai 400 001.
2. The Postmaster General,
Goa Region, Panaji,
Panaji 403 001 (Goa).
3. The Senior Supdt. of Post Offices,
Sangli Dn., Sangli 416 416.

.. Respondents.

Respondents by Shri V.S. Masurkar, Advocate.

ORDER (Oral)
[Per : Shri G.C. Srivastava, Member (A)]

Heard Shri S.P. Inamdar, Learned Counsel for the
applicant and Shri V.S. Masurkar, Learned Counsel for the
Respondents.

2. The applicant is working as Postal Assistant and his main grievance is that he was given promotion in the cadre of HSG II under the BCR Scheme with effect from 1.10.1991. With reference to his junior Shri K.M. Gaikwad who was promoted with effect from

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1.10.1991 on completion of 26 years of service under the said scheme. Later on the aforesaid promotion order was set aside by order dated 25/27.8.1989 as it was found to be erroneous.

3. In reply the Respondents have stated that as per the BCR Scheme, an employee can be promoted only after he has completed 26 years of service. The applicant cannot get his placement with effect from 1.10.1991 with reference to Shri K.M. Gaikwad as he had not completed 26 years of service. Though the applicant was senior to Shri K.M. Gaikwad in UDC grade, he did not get BCR promotion on 1.10.1991 as he had not completed 26 years of service. Shri K.M. Gaikwad got this promotion as he was in LSG grade and had completed 26 years of service with his date of appointment as LDC being 31.8.1965, while the applicant joined service on 22.2.1973. According to the Respondents, since the applicant has not completed 26 years of service on the date when Shri K.M. Gaikwad was promoted he was not eligible for promotion under the said scheme.

4. The Learned Counsel for the applicant has relied on Judgment passed by Central Administrative Tribunal, Chandigarh Bench and has tried to argue that the applicant was denied promotion only because of the punishment awarded to him for stoppage of increment for one year. He has contended that even the punishment was reduced by the Appellate Authority from one year to 6 months and hence the applicant should have been promoted ignoring the punishment awarded. We have examined the case and find that in the case of Parveen Kumar Aggarwal Vs. ICAR, Krishi

asked for another relief that the recovery on account of withdrawal of the promotion should not be effected. The respondents have in their reply clearly stated that there was no proposal for recovery. Mr.V.S. Masurkar, Learned Counsel appearing on behalf of the Respondents has confirmed this position and says that no recovery will be made from the applicant after withdrawal of promotion order.

6. In view of the above, we are of the considered view that the OA is devoid of any merit and deserves to be rejected. In the result the OA is rejected, with no order as to costs.

G.C. Srivastava
(G.C. Srivastava)
Member (A)

B. Dikshit
(Birendra Dikshit)
Vice Chairman.

H.