

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GUIESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A. NOS. 739/92, 854/92 & 855/92

Nagare Narayan Raghu

..Applicant
(in OA No.739/92)

Kisan R. Gondate

..Applicant
(in OA No.854/92)

Hiralal B. Sonboi

..Applicant
(in OA No.855/92)

v/s

Union of India & Ors.

Respondents

Coram: Hon. Shri Justice M.S.Deshpande, Vice Chairman
Hon. Shri R. Rangarajan, Member (A)

Appearance:

Mr. B.Dattamoorthi
Counsel for the applicants

Mr. S.S. Karkera for Mr. P.M.Pradhan
Counsel for respondents.

ORAL JUDGMENT:
(Per: M.S.Deshpande, Vice Chairman)

DATED: 1.9.94

By this application (O.A. No.739/92) the applicant seeks a direction to strike down the order of reversion issued by respondent no.4 vide Annexures 1 and 2 and to direct the respondents to consider the grant of promotion to him under the BCR scheme in the scale of Rs.1600-2660 from the date on which his juniors had been promoted with consequential benefits. The applicant was appointed as a clerk in the Postal Department on 13.4.1968. The Lower Selection Grade (ISG) was available to the incumbents after 25 to 30 years of service on the basis of seniority-cum-fitness. In the meanwhile 1/3rd of ISG posts were to be filled by All India competitive examination. The applicant appeared in that examination on 10.12.1978 and was qualified. On 5.12.1981 he was given ISG grade

after 13 years of service. On 30.11.1983 one time bound promotion scheme came into force under which after 16 years of service in the basic grade the incumbent was eligible to be posted in the ISG. In 1987 the applicant came to be appointed in the supervisory post and was allowed special pay. In 1991 bi-annual cadre review scheme came into force in which Higher Selection Grade-II (HSG Gr.II) was granted to those officials who had completed 26 years of service both in basic grade and ISG Gr. II. The applicant had not completed 26 years of service on 1.10.91 and juniors therefore came to be promoted to HSG Gr.II (Rs.1600-2660). The applicant did not get advantage of this position because he had not completed 26 years of service and he was denied the supervisory functions. He, therefore, filed the present application in July 1994 claiming the aforesaid reliefs.

Q. :

The position of law in the present case is no longer res-integra in view of the decision of the Bangalore Bench of this Tribunal in SMT. IEEJAMMA JACOB & 5 ORS. Vs. UNION OF INDIA & ORS., OA No.403/1992 decided on 3.8.1993.

Shri Dattamoorthi, learned counsel for the applicants also brought to our notice a decision which has identical situation in the Department of Telecommunication i.e., O.A. No.1713/93 & O.A.No.2597/93 decided by the Principal Bench of CAT on 17.6.1994 in which the judgment of the Bangalore Bench was followed.

The factual and legal position is the same in OA Nos. 854/92 (Kisan R Gandate Vs. Department of Posts) and 855/92 (Hiralal B. Sonboi Vs. Department of Posts) and they were taken up on Board at the request of the counsel so that they could be dealt with along with OA No. 739/92 by a common order.

In the circumstances we pass the following order as was passed in the above referred two cases:

- i) In implementing the BCR Scheme, the case of the applicants who are in ISG by virtue of their promotion against 1/3rd merit quota, compared to the other officials promoted to ISG should be considered for promotion to HSG Gr.II in their turn as per their

seniority whenever their erstwhile juniors in ISG are considered for promotion to HSG Gr.II by virtue of their having completed 26 years of service in the basic grade without insisting on the applicants completing the minimum prescribed years of service in the basic grade. All other conditions of BCR scheme except the length of service will however be applicable while considering their promotion in ISG.

ii) In case the applicants are found suitable for such promotion, they shall be promoted from ISG to HSG Gr.II with all consequential benefits including seniority and arrears of pay and allowances from such dates. They should also be put on supervisory duties depending on their seniority.

iii) The BCR scheme should be to protect the interest of officials like the applicants for their promotion from ISG to HSG Gr.II.

iv) The above directions shall be completed within a period of 4 months from the date of receipt of a copy of this order.

The applications are disposed of accordingly with no order as to costs.

(R.Rangarajan)
Member(A)

(M.S.Deshpande)
Vice Chairman