

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

ORIGINAL APPLICATION NUMBER 571 OF 1993

DATED THIS THE 18TH DAY OF NOVEMBER, 1993

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Mr. V. Ramakrishnan, .. Member(A).

Chandrasekhar Rao,
S/o Yellappa Rao,
Aged about 51 years,
Lower Selection Grade,
Sorting Assistant (Cashier),
Railway Mail Service,
Sorting Division, RMS Bhavan,
Bangalore-560 026.

.. Applicant.

(By Advocate Shri M.R. Achar)

v.

1. The Union of India,
represented by its Secretary,
Ministry of Communications,
Dak Bhavan, Delhi.
2. The Chief Post Master General,
in Karnataka, Bangalore Circle,
Bangalore.
3. The Senior Superintendent,
RMS, Bangalore Sorting Division,
Bangalore.

.. Respondent.

(By Standing Counsel Sri M. Vasudeva Rao)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

Heard. Admit. But, we find ourselves not able to assist the applicant in any manner. The applicant who is a sorting assistant in the postal department is aggrieved by the department's refusal to grant him the benefit of Biennial cadre promotion under the Biennial Cadre Review Scheme (for short 'the Scheme') dated 11-10-1991 vide Annexure-A1.

2. The applicant who joined the department as an employee in Group-D cadre by dint of his own personal efforts improved his prospects by getting into the ministerial category. Even there he did well to obtain the position of Sorting Assistant



which is a promotional post.

3. We notice, in his career span, between 1963 when he is said to have joined the department and this day, he had earned more than three promotions. All that is certainly laudable and speaks well of his ability, but what he asks for and seeks, we are afraid, is really beyond our realm, as we are to adjudicate his rights under the Scheme under which employees of the postal department become entitled to the benefit of the biennial cadre review.

4. That Scheme postulates its applicability only to those within Group-C and D cadres to which the scheme of one time bound promotion on completion of 16 years of service in the basic grade that is already in existence. It also postulates that criterion for promotion will be eligibility of 26 years of satisfactory service. The preamble to the scheme refers to the need for improving the conditions of service of stagnating employees who had put in 16 years of satisfactory service and technique employed for improving the career prospects of some persons is the scheme referred to above enabling people who had put in 26 years of biennial cadre review occupying a further promotion and even if such promotion is not possible, for a further hike in pay. Subsequently the question having arisen how the tenure of 26 years referred to under the foregoing Scheme had to be computed, the department clarified it as follows:-

"The criterion for promotion will be 26 years of satisfactory service rendered in the basic scale of pay taken together with the service rendered in the scale of pay on time bound promotion after 16 years of service as shown in sub-para (vi) below."

The foregoing aspect of the matter is highlighted in the reply statement filed on behalf of the department. The above makes it clear that the criterion checked out under the Scheme enjoying



completion of 26 years of service performed in the post held in the basic grade. It is because of this limitation the applicant has been denied the benefit of biennial cadre review as could be seen from the endorsements issued to him at Annexures A1 and A2. Annexure-A2 is more apposite and reads -

"Sub: Promotion under BCR Scheme case of Sri Chandrashekara Rao, O.A. Cashier, HRO (M), Bangalore Stg.on Bangalore-560 026.

Ref: Representation dated 6-5-1992 of Shri Chandrashekara Rao at the Chief PMG, Karnataka Circle, Bangalore-560 001.

The Chief PMG, Karnataka Circle, Bangalore-560 001 vide letter No.STA/3-14/KWII dated 9-7-1992 has informed that Shri Chandrashekara Rao, OA Cashier, HRO(M) Bg.Stg.Dn.B'lore-560 026 has not completed 26 years of service both in the basic cadre and the next higher cadre put together and hence he is not eligible for promotion under BCR scheme.

Sri Chandrashekara Rao, OA Cashier, HRO (M) Bg. Stg.DN. may please be informed accordingly."

We think the aforesaid order declining the applicant's claim for biennial cadre promotion is well justified regard being had to his first promotion under the Scheme in 1990 after completion of 16 years of satisfactory service in the basic grade and therefore, he has to wait 10 years more for acquiring eligibility for consideration of his case for a further promotion under the Scheme. The stipulations entitling grant of benefit of the Scheme are clear enough and in order to make them more intelligible it becomes necessary to read them down so as to confine eligibility by linking it up with the service rendered in the basic grade whether extending it to the total length of service pertaining to the employee in the department which of course may be much more. The foregoing being quite apparent from the Scheme itself, the clarification subsequently issued and referred to supra making the position clear by laying down that the completion of 26 years of service for consideration under the Scheme is and has to be reckoned with reference to



the basic grade in which the man was presently fitted in or located and that the criterion is not the total service put in by the applicant in the department. This being the view of the department as indicated in the orders at Annexures-A1 and A2, we think the grievance following the aforesaid orders is not justified either in law or on facts. This being the only question urged for consideration and the same having been held against the applicant, this application therefore, fails and is dismissed with no order as to costs.

5. It would however, be open either to the applicant or to employees similarly situated to make a representation to Government of India to modify the Biennial Cadre Review Scheme itself so as to expand the coverage by taking in itself the entire service of the employees from entry.

Sd-

U.P. MEMBER (A)

np/

Sd-

VICE-CHAIRMAN

TRUE COPY

Dr. Asst

26/11/83

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

