

**CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH**

Original Application No.906/93

V.N. Dinkar and 5 others. ... Applicants.

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Chief Postmaster General, Bombay and 10 others. :: Respondents.

Original Application No. 454/94

R.B. Bhavsar, M.L.L.B.S., M.A., M.Sc., ... Applicant.

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri A.G.Deshpande, counsel
for the applicant.

Shri P.M.Pradhan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 7.6.95

(Per Shri M.R. Kolhatkar, Member (A))

1. In O.A. 906/93 there are six applicants. All of them are working in Savings Bank Control Organisation in different units namely Sl.No. 1 at H.P.O. Aurangabad, Sl. No. 2 at C.P. Unit, AOICO SB Bombay, Sl.No.3 and 6 at SBCO Bombay Central and Bombay GPO, Sl. No.4 at Kalyan City HPO and Sl.No. 5 at Palghar HPO. The applicant in O.A. 454/94 works as LSG OA in Malegaon. On 26.7.91 the Department of Posts , Ministry of Communications had issued an order extending the " Time Bound One Promotion Scheme" which envisaged time bound promotion after completion of 16 years of service to those working in Savings Bank Control Organisation in the Department of Posts. Para 8

of this order reads as below:

"Promotion to the LSG 1/3 rd quota on the basis of Departmental Examination will be abolished on introduction of the scheme in respect of those LDCs/UDCs who opt for the post of Postal Assistants (SBCO). Promotion to the LSG 1/3 rd quota on the basis of departmental examination however, will continue in respect of those UDCs who do not opt for Time Bound One Promotion Scheme. The introduction of the scheme will not affect officials who have already been promoted or likely to be promoted on regular basis to the next higher grade before 31.7.91 under the existing Rules. The Officials who have already been promoted or likely to be promoted to the next higher scale of pay before 31.7.91 will rank enblock senior to the officials who are placed in the next higher scale in pursuance of the new scheme."

In terms of this order, the officials who had already been promoted or likely to be promoted to the next higher scale of pay before 31.7.91 were to rank enblock senior to the officials who are placed in next higher scale in pursuance of the scheme vide para 8 of the order. There were no problems regarding first viz. Time Bound One Promotion.

2. Subsequently, however a new scheme called Biennial Cadre Review was introduced in terms of Directorate New Delhi No. 22-1/89-P.E.I D/11.10.91 which envisaged time bound promotion after completion of 26 years and this was implemented by CPMG Bombay by his order dated 11.10.92 at page 31. The contention of the applicant is that the principle of "enblock seniority" has to be extended to promotion in terms of

BCR Scheme also but this was not done by the respondents on the ground that applicants had not completed 26 years of service. According to them Sr. HSG II Officials are alone eligible for promotion under BCR Scheme according to the principle of Seniority cum fitness. The applicants were hence denied the promotion, ^{Scheme} vis-a-vis the employees who had completed 26 years of service on 1.10.91. The applicants therefore challenge reversion and non-promotion as being violative of the Departmental instructions dated 26.7.91.

3: We have heard Shri A.G.Deshpande, counsel for the applicants and Shri P.M.Pradhan counsel for the respondents for sometime. During the course of hearing it was brought to our notice that this matter is no longer res integra, in view of the judgement of this Tribunal in O.A. 739/92 in the case of N.R. Nagare V/s. Union of India and others, O.A. 854/92 Kisan R.Gondate and OA,855/92 Hiralal B Sonboi decided on 1.9.94. That judgement itself relied on the decision of the Bangalore Bench of this Tribunal in Smt. Leelamma Jacob & 5 Ors. V/s. Union of India and Ots. in O.A. 403/92 decided on 3.8.93 and in OA 1713/93 and O.A. 2597/93 decided by the Principal Bench of CAT on 17.6.94 following the decision of the Bangalore Bench.

4: The factual and legal position is identical in the instant case. We pass the following order as was passed in N.R. Nagare's case.

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

erstwhile juniors in LSG 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 LSG.

- ii) --- In case the applicants are found suitable for promotion, they shall be promoted from LSG 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 so implemented as to protect the interest of officials like the applicants for their promotion from LSG to HSG Gr. II.
- iv) The above directions shall be complied with within a period of four months from the date of receipt of a copy of this order.

Both the applications are disposed of accordingly. No order as to costs.

(M.R. Kolhatkar)
Member (A)

(B.S. Hegde)
Member (J)