

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 83/97

DATE OF DECISION: 7 /06/2001

Shri G.B.Raghani

Applicant

Shri S.P.Kulkarni

-----Advocate for
Applicant.

Versus

Union of India & 4 Ors.

-----Respondents.

Shri S.S.Karkera for Shri P.M.Pradhan

Advocate for
-----Respondents.

Coram:

Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Shri Govindan S Tampi, Member(A)

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to
other Benches of the Tribunal? *No*
3. Library. *yes.*

S.L.Jain
(S.L.JAIN)
MEMBER(J)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 83/1997
DATED THE 27th DAY OF JUNE, 2001**

**CORAM: HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SHRI GOVINDAN.S.TAMPI, MEMBER(A)**

Shri Govind Bheroomal Raghani,
Section Supervisor,
(H>S>G>-II), Imp.(Corres,
Foreign Mails,
Office of the Postmaster General,
(B.D. & E.M.), Videsh Dak Bhawan,
Mumbai - 400 001.

... Applicant

By Advocate Shri S.P.Kulkarni

V/s.

Union of India
Through

1. Postmaster General,
(Business Development and Foreign
Mails), Office of the Postmaster
General, Foreign Mails,
Videsh Dak Bhawan, Ballard Estate,
Mumbai - 400 001.
2. Director General(Posts),
Department of Posts,
Ministry of Communications,
Government of India,
Dak Bhawan, 20, Asoka Road,
New Delhi - 110 001.
3. Asstt. Controller(O.M.),
(Foreign Mails,),
Office of the Postmaster General,
(B.D. AND F.M.)
Videsh Dak Bhawan, Mumbai - 400 001.

... Respondents

By Advocate Shri S.S.Karkera for
Shri P.M.Pradhan

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(ORDER)

Per Shri S.L.Jain, Member(J)

This is an application under section 19 of the
Administrative Tribunals Act 1985 seeking in substance the
declaration that for grant or refusal of benefit of

27/6/01

...2.

B.C.R.Scheme applicant's record of service for 26 years only ought to have been considered, direction to the respondents accordingly and in consequence quash and set aside the order dated 17/12/96 A-1, 20/11/96, A-2, order dated 8/8/96 and 6/11/95.

2. The applicant entered service in Postal Department as Clerk in Temporary capacity after due selection from 24/3/64. He continued as clerk as per memo dated 26/6/64 but his services were terminated on 29/7/64 for his placement for training from 1/8/64 for a period not exceeding three months vide memo of the even date. On completion of training as upto 19/8/64, the applicant was appointed as clerk from 20/8/64 in a clear vacancy. The applicant was confirmed duly. The period and training through stypendary counts as qualifying service and also for incrmnts. The applicant has completed 26 years satisfactory service on 31/7/90. On introduction of B.C.R.Scheme with effect from 1/10/1991 were to be given promotion with effect from 1/10/91. The applicant was placed under suspension from 11/10/90 on account of misconduct involving in an event of 13/9/90, for which charge sheet under section 14 of CCS CCA was issued on 8/12/90 and punishment order was passed on 31/10/95 reducing his pay from Rs.1200/- to 1760/- from 1/11/95 without cummulative effect.

3. The applicant represented vide representation dated 20/1/92, 22/1/96 followed by letters dated 22/5/96 9/9/96 and 5/12/96 which were replied vide letter dated 17/12/96 A-1 rejecting the claim.

Ag -

4. The learned counsel further submitted that the applicant has completed 26 years satisfactorily. The denial of promotion is arbitrary. He has relied on judgement passed in OA-170/93 alongwith other OAs on 21/2/95. On perusal of the said judgement it is specifically mentioned that the criteria for promotion will be eligibility of 26 years service of satisfactory service. The applicant has completed 26 years service on 30/4/90 and the service was also satisfactory. The subsequent event after 26 years cannot be considered.

5. In view of the above facts, the OA is allowed and the respondents are ordered to consider the applicant's case for benefit of BCR Scheme by a review DPC taking into account the period of 26 years of service only i.e. 1/8/64 to 31/7/90 and pass the orders accordingly with consequential benefits arising therefrom. Annexure A-1 and A-2 orders dated 8/8/96 and 6/11/95 are quashed and set aside to the extent that as the applicant has been awarded benefit w.e.f. 1/11/96 shall not be withdrawn but can be antedated after the result of review DPC. This exercise be done within a period of three months. No order as to costs.


(GOVINDAN S. TAMPI)
MEMBER(A)

abp


(S.L. JAIN)
MEMBER(J)

⑫ Date: 15/02/2002
CC P No. 121/01)

Mr. S. P. Saxena, Counsel for applicant has been served with the copy of reply filed on 6/2/2002. Wherein para No. 9, the Respondents have ~~been~~ stated that they have complied with the order of Tribunal dtd. 7/6/2001 and prayed for dismissal of Contempt Petition.

As the order has been complied with, the notice is discharged, proceedings are dropped and Contempt Petition No. 121/02 is disposed off.

for
(Smt. Shanta Shastri) (B. Dilshit)
MCA V.C.

ssg.

order/Judgment despatched
to Applicant, Respondent (s)
on 28/2/2002

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