

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

OA 940/1998 with OA 943/1998

Mumbai, this 19<sup>th</sup> day of June, 2002

Hon'ble Shri S.L. Jain, Member(J)  
Hon'ble Shri M.P.Singh, Member(A)

Smt.Vidya Gulabdas Gujarathi  
729, Gurwarpeth  
Sukh Niwas Coop. Hsg.Society  
PO Pune-411042 .. Applicant in OA 940/1998

Kishan Shankarrao Jadhav  
Sarvey No.48/3, Ganeshnagar  
Vadgaon Sheri, District Pune .. Applicant in OA 943/1998

(By Shri S.P.Kulkarni, Advocate)

versus

Union of India, through  
1. Director General (Posts  
Deptt. of Posts, Ministry of Communications  
Dak Bhawan, New Delhi  
2. Chief Postmaster General  
Maharashtra Circle, Old GPO Building  
Near CST, Mumbai  
3. Senior Superintendent of Post Officeds  
Ahmednagar Division  
Ahmadnagar  
4. Smt. M.S.Chintawar  
PA S.B. C.O.Ahmednagar Head  
Post Office, Ahmednagar .. Respondents

(By Shri V.S. Masurkar, Advocate)

ORDER

Shri M.P.Singh, Member(A)

The facts involved and the relief prayed for in both these two applications are identical and therefore, with the consent of the parties, we proceed to dispose of these OAs by a common order.

2. The claim of the applicants in the aforesaid two OAs, who joined service as LDCs w.e.f. 1.4.1981 and 14.3.1980, is that they are eligible for one-time-bound-promotion (OTBP) in the grade of LDC in terms of the scheme introduced by the respondent-department. However, the said benefit has been denied to them, though it has been given to their junior namely Respondent No.4. Therefore they are seeking directions to quash and set aside the communications dated 15.1.98, 26.5.1997 and 1.12.97 which give clarification regarding OTBP Scheme and

further directions to the respondents to protect their pay with reference to Respondent No.4 from 25.12.1994 and grant them all consequential benefits from that date.

3. Respondents in their reply have contested the case and have stated that as per the UIBP scheme, those who have completed 16 years service in the grade are to be placed in the next higher grade on the basis of fitness duly assessed by a DFC. The applicants are due to be placed under the UIBP Scheme on completion of 16 years service. Respondent No.4 was placed under UIBP Scheme w.e.f. 25.12.1994 by virtue of length of service in P&I Department as a whole (i.e. December 1978 + 16 years = December, 1994). Therefore, the present UAs be dismissed being devoid of merit.

4. Heard the learned counsel for the parties and perused the records. During the course of the arguments, our attention has been drawn to the judgement dated 9.8.2001 (Mumbai Bench, camp at Aurangabad) by which UA 521/98 and other connected UAs filed by similarly situated persons were dismissed holding that applicants cannot claim higher grade under UIBP Scheme before completion of 16 years of service. According to the respondents, the present UAs are covered in all fours by the judgement dated 9.8.2001 (supra) and therefore they are liable to be dismissed.

5. We have considered the averments made by the parties. We are of the considered opinion that the UIBP Scheme should be extended only on completion of 16 years service in the grade and not with reference to the date on which their juniors who complete 16 years service earlier and are placed under the UIBP Scheme. Having regard to the judgement dated 9.8.2001 (supra) UAs are devoid of merit and are accordingly dismissed. There shall be no order as to costs.

Member(A)

Member(J)

/gtv/