

(79)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 352/94 & 961/93.

Dt. of Decision : 27-9-94.

O.A. 352/94.

Jch Prakasa Rao

.. Applicant.

Vs

1. Secretary, Dept. of Posts,
Govt. of India, New Delhi-1.

2. Chief Postmaster General,
Andhra Pradesh Circle,
Hyderabad-500 001.

3. The Superintendent RMS
'V' Division, Visakhapatnam-1.

.. Respondents.

O.A. 961/93.

1. S.Narsinga Rao	6.P.Thammichetty
2. R.Narsing Naik	7.A.Narsinga Rao
3. D.Sivaram	8.K.Giri Raju
4. S.Venkatratnam	9.B.K.Parthasarathi
5. G.Surya Rao II	10.S.Suryanarayana

.. Applicants.

Vs

1. The Director General of Posts,
New Delhi-110001.

2. The Chief Postmaster General,
Andhra Circle, Hyderabad-1.

.. Respondents.

Counsel for the Applicants : Mr.D. Subrahmanyam
(in OA. 352/94)
Mr. D.Ramakrishna
(in OA. 961/93)

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.
in both the OAs.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

73
Date: 27/9/94

O.A.No.352/94 & 961/93.

J U D G M E N T

X= as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

Heard Sri D.Subrahmanyam, learned counsel for the applicant in OA 352/94 and Sri D.Ramakrishna, learned counsel for the applicants in O.A.No.961/93; and Sri V.Bhimanna, learned Standing Counsel for the respondents in both the OAs.


reliefs asked for. Hence, both the OAs were heard together and a common Judgment is passed with the consent of all the parties concerned.

3. The facts of the cases are not in dispute. The applicant in O.A.No.352/94 was recruited as Sorting Assistant in RMS of the Postal Department in the year 1968. He was promoted to Lower Selection Grade Supervisor on 21.12.1981 on the basis of the selection held against 1/3rd merit quota for promotion to LSG grade after 10 years of service in the basic grade.

4. The applicants 10 in number in OA 961/93 were also promoted to Lower Selection Grade under 1/3rd merit quota similar to the applicant in OA 352/94 prior to introduction of one time bound promotion scheme from 30.11.1983.

5. One time bound promotion scheme was introduced from 30.11.1983 wherein postal employees who had completed 16 years of service in the basic grade were promoted to lower selection grade Rs.1400-2300 (RSRP) subject to their fitness. Thereafter another scheme was introduced called Biennial Cadre Review (BCR scheme for short) introduced under letter No.22-1/89-P.E.I dt. 11.10.1991 and 1.11.1991. As per this scheme, postal employees

..3/-



With 26 years of service in the basic cadre as well as LSG cadre put together were promoted to Higher Selection Grade-II (HSG-II for short) (Rs.1600-2660 RSRP) subject to their fitness for promotion overlooking the claim of the applicants in both the OAs as they have not completed a total service of 26 years in the basic as well as LSG cadre put together. The applicants in the above OAs were also relieved of their Supervisory duties and such duties were entrusted to HSG-II Supervisors promoted under BCR scheme.

6. Aggrieved by the above impugned orders, the applicants made oral ~~and~~ as well as written representations to R-3 and R-1. But, so far no reply has been received. Hence, they have filed this OA for a declaration that the BCR scheme is void and illegal and discriminatory and for a direction to the respondents to modify the impugned order in so far as it relates to the officials promoted to LSG under 1/3 merit quota, that the condition of 26 years of continuous service need not be insisted upon for promotion to HSG-II cadre and also for a further direction to the respondents to promote the applicants to HSG-II cadre restoring their original seniority above all the officials promoted under BCR scheme with all consequential benefits.

7. Similar ^{and} BCR scheme was also introduced by the Department of Telecommunication officials promoted under 1/3rd merit quota to LSG cadre in the Telecom Department who were placed similar to the applicants in both the OAs approached the Bangalore Bench of the Tribunal by filing OA No.403/92 for similar reliefs Bangalore Bench of this Tribunal, that the LSG officials promoted under 1/3rd merit quota in Telecommunication Department should also be promoted under the BCR scheme even if they have not

completed 26 years of service in the basic grade and LSG without insisting on completion of minimum prescribed years of service if their erstwhile juniors in the LSG and Basic grades were promoted to Gr.III in the scale of Rs.1600-2660 (RSRP) under the BCR scheme.

8. Following the above direction of the Bangalore Bench of this Tribunal, Principal Bench, Delhi, also gave similar directions in the case of postal employees in OA No.1713/93 and 2597/93 who were similarly placed.

9. The applicants in both the OAs are similarly situated to the postal employees in OA No.1713/93 and 2597/93 on the file of the Bangalore Bench of this Tribunal and OA No.403/92 on the file of the Bangalore Bench of this Tribunal. In view of the fact that the applicants in both the OAs are having similar grievance, we see no reason to differ from the direction given by the Bangalore Bench and Principal Bench of this Tribunal. In the result, the following directions are given:-

- (i) In implementing the BCR scheme the applicants who are senior in LSG cadre (Rs.1400-2300) by virtue of their promotion against 1/3 merit quota compared to other officials who were promoted as HSG-II (Rs.1600-2660) under BCR scheme should be promoted to HSG-II in the scale of Rs.1600-2660 in their turn as per their seniority whenever their juniors in LSG are considered for promotion to HSG-II by virtue of their having completed 26 years of service in the Basic and LSG cadre without insisting on the applicants completing the minimum prescribed years of service in Basic as well as LSG cadre. All other conditions of BCR scheme except the length of service will however be applicable while considering their promotion to HSG-II cadre (Rs.1600-2660).

...5/-

(607)

(76)

- (ii) Consequently, in case the applicants are found suitable for such promotion they shall be promoted to HSG-II with effect from the date their erstwhile juniors were promoted from LSG to HSG-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 modified to take into account the interests of the officials like the applicants for their promotion from LSG to HSG.II,
- (iv) The above directions shall be complied within a period of 4 months from the date of the receipt of the copy of this order./

10. The OA is ordered accordingly. No costs./

(R.Rangarajan)
Member(Admn.)

(V Neeladri Rao)
Vice Chairman

Dated 27th Sep., 1994.

Deputy Registrar(J)CC

Grh.

To

1. The Secretary, Dept.of Posts, Union of India, Govt.of India, New Delhi-1.
2. The Chief Postmaster General, Andhra Pradesh Circle, Hyderabad-1.
3. The Superintendent RMS, 'V' Division, Visakhapatnam-1.
4. The Director General of Posts, New Delhi-1.
5. One copy to Mr.D.Subrahmanyam, Advocate, 8, Padmaja Apartments, Gandhinagar, Hyderabad.
6. One copy to Mr.D.Ramakrishna Advocate, 1-1-102/A4 Adj. to Sudarshan Theatre, R.T.C.'X' Roads, Hyd.
7. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd
9. One spare copy.

pvm.

5/10/94

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(A.D.M.)

DATE: 22-9-1994

~~ORDER~~/JUDGMENT

M.A.No./R.A/C.A.No.

in

O.A.No.

(T.A.No.

352/94 & 961/93
(W.P.NO)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs

No spare copy

pvm

