

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1022/95

Date of Order : 13.12.95

BETWEEN:

1. I.Kondala Rao
2. D.Panduranga Rao
3. G.Ramakrishna
4. P.K.V.Sastry
5. B.Srinivasulu
6. Ch.Poulus
7. M.Raghurama Rao
8. S.Gurumurthy
9. G.Krishna Hari

.. Applicants.

A N D

1. The Union of India, rep. by the
Secretary and Director General,
Department of Posts, Dak Bhavan,
New Delhi - 110 001.
2. The Chief Postmaster General,
Andhra Pradesh Circle, Hyderabad - 1.

.. Respondents.

Counsel for the Applicants

.. Mr.T.V.V.S.Murthy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

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

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

O.A.No.1022/95.

(38)
Date: 13.12.1995.

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri T.V.V.S.Murthy, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for the respondents.

2. There are 9 applicants in this O.A. They were initially recruited as Postal Assistants/Sorting Assistants/ LDCs in various divisions of Department of Posts on the dates mentioned in col.3 of Annexure-1 filed with this O.A. All of them were promoted as UDCs in the years 1980, 1981, 1982 and 1983 on the dates mentioned against them in col.4 of the same annexure on the basis of the competitive examination held for 80% of the posts which are to be promoted through a competitive examination as per recruitment rules, ~~off-1970- vide xxxxxxxx dt. 26.2.87 xxxxxxxx~~ ~~xxx/25/xxx~~. Bec^a use of their selection against 80% quota, they had become seniors in the cadre of UDC to their ~~erst-~~ erstwhile seniors in the LDC cadre. All the applicants were subsequently promoted to HSG Postal Assistants with effect from 26.6.1993 vide proceedings No.ST/47-5/CO-ROS/TB^UP/93 dt. 4.1.1994.

3. It is the case of the applicants that when HSG-II promotions were ordered on the basis of BCR scheme, they ^{erstwhile seniors in the LDC cadre} should also be promoted if their ~~junior~~ ^{on the basis of competitive exam.} who could not be selected for promotion as UDC along with them ^{are promoted} to HSG-II grade under the said ^{BCR} scheme by virtue of their ^(applicants) having completed 26 years of service, eventhough they have not completed the requisite service of 26 years.

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4. 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) under letter No.22-1-89-P.E.I dt. 11.10.1991 and 1.11.1991. As per this scheme, postal employees 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) subject to their fitness for promotion overlooking the claim of the applicants herein, as they have not completed total service of 26 years in the basic as well as LSG cadre put together by then.
5. Aggrieved by the above impugned orders, the applicants herein and others submitted representations dt. 4.11.1994 to the respondents. But, so far no reply has been received by them. Hence, they have filed this OA for a direction to the respondents to promote them to the HSG-II grade (Rs.1600-2660) without insisting on the condition of their completing 26 years of service in the basic as well as LSG cadres stipulated in the BCR scheme, by virtue of their seniority in UDC/LSG cadres to their juniors who were promoted to the higher cadre by virtue of their having completed 26 years of service in the basic and LSG cadres with effect from the date/dates their erstwhile juniors were promoted from LSG to HSG-II (Rs.1600-2660) with effect from 1.1.1994 with all consequential benefits including seniority, payment of arrears of pay and allowances with interest @ 18% p.a. from such dates.


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6. Similar BCR scheme was also introduced by the Department of Telecommunications and officials promoted to LSG cadre in the Telecom Department who were placed similar to the applicants herein, approached the Bangalore Bench of the Tribunal by filing OA 403/92 for similar reliefs as prayed for in this O.A. It was held by the Bangalore Bench of the Tribunal that the LSG officials promoted under 1/3rd merit quota in Telecom 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 Grade-II in the scale of Rs.1600-2660 (RSRP) under the BCR scheme.

7. Following the above directions of the Bangalore Bench of the Tribunal, Principal Bench, New Delhi also gave similar directions in the case of postal employees in OA Nos.1713/93 and 2597/93 who were similarly placed.

8. The prayer in this OA is similar to the prayers in the OAs quoted in paras-6 & 7 above. The applicants herein were promoted to UDC cadre earlier to their erstwhile seniors in the LDC cadre, by virtue of their selection against 80% selection quota through competitive examination. The OAs quoted above in paras-6 & 7 are in regard to the applicants therein who were selected to LSG cadre against 1/3rd merit quota. In this case as well as cases referred in paras-6 & 7 the applicants were promoted to UDC/LSG earlier to their erstwhile seniors in the cadre of Postal Assistants/Sorting Assistants/LDCs. Hence, the request for promotion to HSG-II against BCR scheme from the dates when their erstwhile seniors in the cadre of PAS/SAs/LDCs/Juniors

...5/-



in the cadre of UDC/LSG) were promoted to HSG-II under BCR scheme. The principle to be decided in this O.A. is similar to the principle involved in the above referred OAs in paras-6 & 7. Hence, we see no reason to take a different view than what has already been taken in the above OAs.

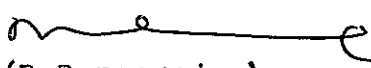
9. This Tribunal had disposed of number of OAs where the reliefs prayed for were similar to OAs 403/92 on the file of Bangalore Bench and OA Nos.1713/93 and 2597/93 on the file of the Principal Bench. It is stated for the applicants that the SLPs filed against the judgment delivered by this Bench following the Bangalore Bench and Principal Bench had been dismissed by the apex court, but the copies of the orders of apex court are not made available.

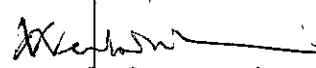
10. The applicants herein are similarly situated to the Postal employees in OA 1713/93 and 2597/93 on the file of the Principal Bench of this Tribunal; OA No.403/92 on the file of Bangalore Bench; and OAs No.352/94 and 961/93 on the file of this Bench. In view of the fact that all the applicants herein 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 UDC cadre by virtue of their promotion to UDC cadre compared to other officials who were promoted as HSG-II (Rs.1600-2660) under the 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 the lower grade 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).

- (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 suitably to protect 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.

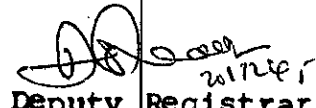
11.
9k. The OS is ordered accordingly. No costs. /


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 13th Dec., 1995.

Grh.


Deputy Registrar(J)CC

To

1. The Secretary and Director General,
Department of Posts,
Dak Bhavan, Union of India, New Delhi-1.
2. The Chief Postmaster General, A.P. Circle, Hyderabad-1.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
4. One copy to Mr. N.V. Paghava Reddy, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm.

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CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 13 - 12 - 1995

ORDER/JUDGMENT

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

in

O.A.No.

1022/95

T.A.No.

(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.

pvm.

No Spare Copy

