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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 03.11.2000

OA No.443/1993

Prabhati Lal S/o Shri Chirangi Lal R/o Agaawali, District Dausa,
now a days Accountant, Central Telegraph Office, Jaipur.

.. Applicant

Versus

1. Union of India through the Secretary, Ministry of Telecommunications, New Delhi.
2. The Chief General Manager Telecommunication, Rajasthan Telecom. Circle, Jaipur.
3. Assistant Director (Staff) Office of GMT (East), Jaipur.

.. Respondents

Mr. S.K.Jain, counsel for the applicant

Mr. Hemant Gupta, Proxy counsel to Mr. M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr.Justice Ashok Agarwal, Chairman

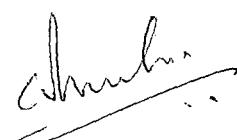
Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. N.P.Nawani, Administrative Member

In this Original Application, filed under Section 19 of the Administrative Tribunals Act, the applicant prays that the respondents be directed to allow him the benefit of Biennial Cadre Review (for short, BCR) Scheme w.e.f. 30.11.1990 as was allowed to other persons and be also granted consequential benefits of arrears of pay fixation.

2. Heard the learned counsel for the parties and perused the material on record.
3. On consideration of the rival contentions, it transpires that the controversy in this case lies in a narrow compass and it is -



whether the applicant is entitled for the benefit of the BCR Scheme w.e.f. 30.11.1990 or, as conceded by the learned counsel for the respondents w.e.f. 1.12.1994.

4. Brief background to the controversy is that the applicant opted (Ann.R3 refers) to remain in the defunct pay scale of Rs. 380-620 as an Accountant rather than come over to the pay scale of Rs. 260-480 in the General line, inspite of the specific stipulation in the letter inviting options (Ann.R2) that such optees will not be eligible for promotion to any higher post in the General line. This being the case, the respondents refused to consider the case of the applicant for the benefits of the One Time Bound Promotion (for short, OTBP) after 16 years of service and BCR Scheme which were available for certain categories of posts in the General line. On the other hand, it is contended on behalf of the applicant that the BCR Scheme was subsequently extended of the holders of the said defunct pay scale also and he should be given the benefit w.e.f. 30.11.1990.

5. On perusal of the letter dated 10.2.1993 (Ann.A1), it appears that vide DG, Post, New Delhi letter No.2-22/88.PE(PT) dated 1.12.1992, it has been decided that the P.O.RMS Accountants, who are in service on 1.12.1992 and holding the defunct pay scale, will have the option to go to the General line w.e.f. 1.12.1992 in the corresponding pay scale of Rs. 260-480 (pre-revised). It has not been disputed that the applicant is not covered under this letter and that he did not give the required option. If this be so, the applicant is certainly entitled to the benefits of BCR Scheme w.e.f. 1.12.1992. However, the applicant has not been able to establish as to how he is eligible to get the said benefit w.e.f. 30.11.1990, as prayed, because even if he completed 26 years of service on the said date, he having opted for the defunct scale on

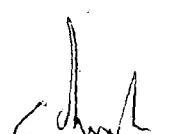
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his own volition, was not entitled for any consideration under BCR Scheme till, by order dated 1.12.1992 of the DG Post, New Delhi, the benefit under the Scheme was extended to those Accountants who were holding the defunct pay scale. In fact, in another case decided on 29.8.2000 by this Bench of the Tribunal in OA No.596/95, Hari Charan Sharma v. Union of India and ors., it has, inter alia, been stated by the same respondents that a similarly placed official was also granted the benefit under BCR Scheme only w.e.f. 1.12.1992.

6. In the circumstances, we allow the OA partly and direct the respondents to consider extending the benefit under BCR Scheme to the applicant w.e.f. 1.12.1992, unless he is not found fit otherwise, and also grant him consequential benefits i.e. arrears of pay and allowances. This direction may be implemented within three months of receipt of a copy of this order.

7. Parties to bear their own costs.


(N.P. NAWANI)

Adm. Member


(ASHOK AGARWAL)

Chairman