

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA no. 350/94 with : Date of order 28.11.94
MA no. 378/94
Madhuri Joshi : Applicant

V/s

Union of India & Others : Respondents

CORAM

Hon'ble Mr. Gopal Krishna, Member (Judicial)
Hon'ble Mr. B.H. Dhoundiyal, Member (Administrative)

For the Applicant : Mr. K.L. Thawani

For the Respondents : Mr. U.D. Sharma

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

In this application u/s 19 of the Administrative Tribunals Act, 1985, the applicant has mainly prayed for continuance in the Supervisory post of HSG Grade II in the Postal Department.

2. The learned counsel for the parties agree that the applicant's case is fully covered by a decision rendered by the Bangalore Bench of the Tribunal in the case of Smt. Leelamma Jacob & Others V/s Union of India & Others reported in 1993(3) SLJ CAT 514^{higher}. The issue is whether the selection grade for which an employee becomes eligible after 26 years of service can be denied to those who had secured promotion earlier on merit basis under the 1/3 quota and have not completed 26 years of service. The issue has been squarely dealt with in the decision cited supra, which was followed by the Principal Bench in OA no. 177/93 decided on 17.6.94 and Jaipur Bench in OA no. 113/93 decided on 19.3.94. We therefore, allow this application with the following directions to the respondents.

- i) In implementing the BCR scheme, the case of the applicant, who is senior in Grade-II, by virtue of his promotion against 1/3 merit quota, compared to the other officials promoted to Grade II under OTEP scheme, should be considered for promotion

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to Grade III in scale Rs. 1500-2500 in his turn as per his seniority, whenever his erstwhile juniors in Grade II are considered for promotion to Grade III by virtue of having completed 26 years of service in the basic grade, without insisting on the applicant completing the minimum prescribed years of service in the basic grade. All other conditions of BCR scheme except the length of service will however be applicable while considering his promotion to Grade III.

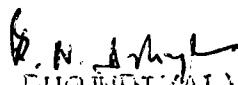
ii) Consequently, in case the applicant is found suitable for such promotion, he shall be promoted to Grade III w.e.f. the date his erstwhile juniors were promoted from Grade II to Grade III with all consequential benefits including seniority and arrears of pay and allowances from such dates. He should also be put on supervisory duties depending on his seniority.

iii) The BCR scheme should be modified suitably to protect the interest of the officials like the applicant for his promotion from Grade II to Grade III.

iv) The above directions shall be complied within a period of four months from the date of receipt of a copy of this order.

v) In the conspectus and circumstances of the case, the request of the applicant for grant of interest on the arrears of payment, as due, and cost of application is rejected.

3. The MA no. 378/94 for condonation of delay is also allowed.


(B.N. LHUNDIYAL)
MEMBER(A)


(GOPAL KRISHNA)
MEMBER(J)