

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 6/12/2011

OA No.18/1999

1. K.L.Kale, presently working as Sorting Assistant, H.S.G.II, O/o the Head Record Officer, Jp. Dn., Jaipur.
2. Bhim Singh s/o Shri Tejpal Verma, presently working as Sorting Assistant, H.S.G.II O/o the Railway Mail Service, Jaipur
3. Prabhu Narain Yadav s/o Shri Sunder Lal r/o Bed-ki-Dhani, Near Railway Station, Kanakpura, Jaipur

..Applicants

Versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur
3. Senior Superintendent, Railway Mail Service, Jp.Dn., Jaipur.

.. Respondents

Mr.P.N.Jati, counsel for the applicants

Mr. N.C.Goyal, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. A.P.Nagrath, Administrative Member

ORDER

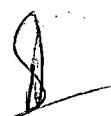
Per Hon'ble Mr. A.P.Nagrath, Administrative Member

The controversy in this CA is whether the applicants are entitled to their promotion under B.C.R.

scheme from the date they complete 26 years of satisfactory service or from first of July or first of January of the year subsequent to the date when the applicants complete 26 years of service. There are three applicants in this OA and their dates when they completed 26 years of service and the dates on which they have actually been promoted are indicated below:-

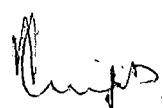
	completed 26 Yrs.	actually promoted
K.L.Kala	29.3.95	1.7.95
Bhim Singh	21.5.94	1.1.95
P.N.Yadav	1.1.92	1.7.92

2. The issue is no more res-integra. This controversy has been decided by us in OA No.364/2000 by our order dated 9.8.2001. While discussing the object of B.C.R. scheme, we had held in that case that promotion under the B.C.R. scheme has to be granted w.e.f. the date the respective employee completes 26 years of satisfactory service. In view of this position, the applicants should have been granted promotion w.e.f. the date they had completed 26 years of service. However, we find that in the case of the applicant, Shri K.L.Kala, a period of 8 days has been treated as dies-non. This period, of course, would not be counted while determining his length of qualifying service of 26 years and thus he cannot claim promotion w.e.f. 29.3.95 but only from 5.4.95. In the case of applicant, Shri Bhim Singh, a period of 5 months and 14 days has been treated as non-qualifying service. In his case also the period of 26 years shall be determined by taking this factor into account. In the case of applicant,



Shri P.N.Yadav, no specific period of non-qualifying service has been identified, but the respondents have made a reference to some non-qualifying period in their reply with regard to this applicant in para 5(iv). If there is any non-qualifying period, the same obviously has to be taken into account for determining 26 years of qualifying service. The respondents shall verify the actual period of non-qualifying service in respect of three applicants and then modify the dates of their actual promotion from the dates they actually completed 26 years of qualifying service.

3. We allow this OA, but with the observations as brought out in the para above. The respondents are directed to comply with these directions within a period of three months from the date of receipt of certified copy of this order. No order as to costs.


(A.P. NAGRATH)

Adm. Member


(S.K. AGARWAL)

Judl. Member