

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 13.2.2001

OA 5/96

V.C.Tahiliani, Postal Assistant (HSG-II), Head Post Office, Ajmer.

... Applicant

Versus

1. Union of India through Secretary, Deptt.of Posts, Ministry of Communications, New Delhi.
2. Director General, Deptt.of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. Chief Postmaster General, Rajasthan Circle, Jaipur.
4. Director Postal Services, Rajasthan Southern Region, Ajmer.
5. Sr.Suptd.of Post Offices, Ajmer Postal Dn., Ajmer.
6. Shri N.K.Vijai, Asstt.Postmaster, Head Post Office, Ajmer.
7. Shri Bal Kishan, Sub Postmaster, Regional College Post Office, Ajmer.
8. Shri Mool Chand Nathaney, Office Assistant, Postal Stores Depot, Ajmer.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.K.L.Thawani

For the Respondents ... Mr.V.S.Gurjar.

O R D E R

PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

Gopal Singh

In this application u/s 19 of the Administrative Tribunals Act, 1985, applicant V.C.Tahiliani has prayed for setting aside the impugned order dated 11.10.91 (Ann.A/1) and for a direction to the respondents to grant promotion to the applicant from 1.10.91, the date from which his juniors have been promoted, and accordingly modify the order dated 26.12.94 (Ann.A/2).

2. Applicant's case is that he was initially appointed as Postal Assistant on 10.5.61. The P & T Department introduced a scheme of Time Bound One Promotion (TBOP) to Lower Selection Grade on completion of 16 years of service. The scheme was effective from 30.11.83. The applicant got the benefit of the scheme. Subsequently, another scheme of Biennial Cadre Review (BCR), on completion of 26 years of service, was introduced vide respondents' letter dated 11.10.91 (Ann.A/1). This scheme was effective from 1.10.91. However, the applicant was given promotion under this scheme w.e.f. 1.7.94. Representations made by the applicant in this regard were of no avail, hence this application.

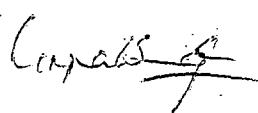
3. In the counter it has been stated by the respondents that at the relevant time the applicant was facing penalty and, therefore, could not be promoted. The applicant was promoted w.e.f. 1.7.94, after the penalty came to an end on 25.2.94. It has, therefore, been averred by the respondents that the OA is baseless and is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the records of the case carefully.

Concurred

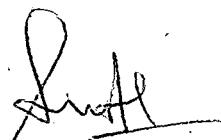
5. It is seen from records that the applicant was served with a charge-sheet for major penalty on 6.3.92 and the disciplinary authority imposed ^{upon him} the major penalty of reduction of pay by five stages for three years vide disciplinary authority's order dated 25.2.93. This penalty was reduced to minor penalty of reduction by three stages for a period of one year without cumulative effect vide appellate authority's order dated 3.3.94. The penalty came to an end on 25.2.94. As has been mentioned above, BCR Scheme was effective from 1.10.91 and the applicant was eligible for consideration under that scheme. As per the narration given above, the applicant was not suffering any penalty as on 1.10.91 and, therefore, we are of the view that he should have been extended the benefit of BCR Scheme with effect from that date. As has been mentioned above, the charge-sheet was issued on 6.3.92, much after the date of implementation of the BCR Scheme. In the light of the above discussion, we find much merit in this application and the same deserves to be allowed.

6. The OA is accordingly allowed. The respondents are directed to consider the case of the applicant for grant of benefit under BCR Scheme w.e.f. 1.10.91 with all consequential benefits. The parties are left to bear their own costs.



(GOPAL SINGH)

MEMBER (A)



(S.K. AGARWAL)

MEMBER (J)