

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.370/1996.

Date of order: 11/5/2000

Brijendra Singh, S/o Shri Gulab Singh, R/o Plot No.3,  
Kalyan Colony, Jagatpura, Jaipur presently posted as LSG  
(Postal Assistant) in the office of RLO, Jaipur.

...Applicant.

Vs.

1. Union of India through the Secretary, Mini. of  
Communication Deptt. of Posts, Sanchar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Sardar  
Patel Marg, Jaipur.
3. Shri Bhagwan Singh Meena-I, HSG-II (Postal Assistant),  
RLO, Jaipur.

...Respondents.

Mr.R.N.Mathur) - Counsel for applicant.

Mr.P.P.Mathur)

Mr.M.Rafiq ) - Counsel for respondent Nos.1 & 2

Mr.Hemant Gupta)

Mr.C.B.Sharma - Counsel for respondent No.3

CORAM:

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

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

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

In this Original application filed under Sec.19 of the  
Administrative Tribunals Act, 1985, the applicant makes his prayer  
limited to his promotion to the post of HSG-II from the date on  
which his junior Shri B.R.H.Yadav was given promotion.

2. Facts of the case in brief is that the applicant was  
initially appointed as Time Scale Clerk on 16.11.71. He was given  
promotion in the year 1987 on the post of LSG (PA). It is stated  
that the applicant is having clean service record and according to  
seniority list, the name of applicant finds place at Sl.No.4 and  
name of Shri B.S.Meena finds place at Sl.No.6. It is also stated  
that respondent No.1 framed a policy known as "BCR Scheme" for time  
bound promotion to avoid stagnation in service and according to  
this policy, the employees shall become entitle to get promotion on  
completion of 16 years and 26 years of service. It is further  
stated that Shri B.R.H.Yadav, who was junior to the applicant was  
given promotion on the post of HSG-II in accordance with the BCR  
Scheme. Feeling aggrieved by the promotion of S/Shri B.S.Meena and  
BRH Yadav, the applicant filed representation but with no result.  
It is also stated that Bangalore Bench of the Tribunal has  
considered the similar issue and directed that while implementing  
the BCR Scheme, if juniors are promoted on completion of 26 years

Smt

of service, seniors should also be considered for promotion irrespective of the fact that they have completed 26 years service or not.

3. Reply was filed. In the reply, it is an admitted fact that S/Shri B.R.H.Yadav and B.S.Meena were juniors to the applicant and Shri B.R.H.Yadav was given promotion under the BCR Scheme after completing 26 years of service.

4. Heard the learned counsel for the parties and also perused the whole record.


5. The learned counsel for the applicant has argued that the applicant is entitled to promotion on the post of HSG-II from the date on which his junior Shri B.R.H.Yadav was given promotion under the BCR Scheme. He has also argued that this Tribunal in O.A No.113/93 decided on 19.8.94, took the view that if junior is given promotion on the post of HSG-II after completing 26 years of service, the senior is entitled to promotion irrespective of the fact that he has completed 26 years of service or not.

6. We have given anxious consideration to the contention of the learned counsel for the applicant and also perused the order passed in O.A No.113/93 dated 19.8.94.

7. This Bench in O.A No.530/92 decided on 25.11.99, took the view that the applicant is entitled to promotion under the BCR Scheme from the date on which his junior was promoted irrespective of the fact that the applicant has completed the requisite period of service or not. This Tribunal while delivering the order as above have also considered the decision of the Bangalore Bench of the Tribunal in Smt Leelamma Jacob & Ors Vs. UOI & Ors, reported in 1993(3)SLJ CAT 514. This Tribunal has also considered the orders passed by the Principal Bench in O.A No.177/93 decided on 17.6.94 and O.A No.113/93 decided on 19.8.94.

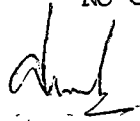
8. In view of above all, this O.A must be allowed.

9. We, therefore, allow the O.A and direct the respondents to consider the candidature of the applicant for promotion to HSG-II under the BCR Scheme without insisting the applicant for completing the minimum prescribed 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 HSG-II. In case the applicant is found suitable for promotion, he shall be promoted to HSG-II with effect from the date his erstwhile juniors were promoted. The applicant shall also be entitled to all consequential benefits. The above directions shall be complied within a period of

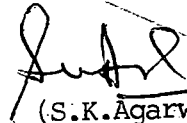


(11)

two months from the date of receipt of a copy  
10. No order as to costs.



(N.P. Nawani)  
Member (A).



(S.K. Agarwal)  
Member (J).