

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR .

* * *

Date of Decision: 23/8/2020

OA 269/97

Kundan Mal Jain, s/o Late Shri Mohrilal r/o 1416, Sango
ka Rasta, Jaipur.

... Applicant

V/s

1. Union of India through Secretary, ~~XXXXX~~ Deptt. of Posts, Ministry of Communication, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Director, Postal Services, Jaipur Region, Jaipur.
4. Sr. Supdt. of Post Offices, Jaipur City Postal Dn., Jaipur.

... Respondents

CORAM:

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

HON'BLE MR. N. P. NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. C. B. Sharma

For the Respondents

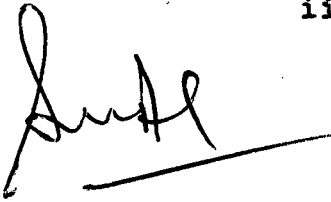
... Mr. M. Rafiq

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes following prayers;

- i) to quash and set aside the order on representation (Annexure A/1),
- ii) to declare the applicant ~~eligible~~ eligible for higher scale on completion of 26 years satisfactory ~~service~~ service w.e.f. 24.10.92, and

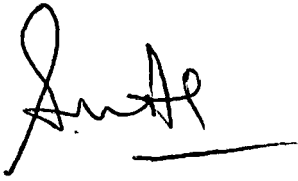


iii) to direct the respondents to allow the benefit of next higher scale w.e.f. 24.10.92 to the applicant with all consequential benefits including pay, pension, DCRG and other benefits.

2. Admittedly the applicant had completed 26 years of satisfactory service on 23.12.92 but as per letter dated 4.2.93 issued by the CPMG, the claim of the applicant was rejected on the ground that officials completing 26 years of satisfactory service between 1.7.92 to 31.12.92 are ~~entire~~ entitled ~~to~~ for promotion to the next ~~high~~ higher grade under BCR Scheme w.e.f. 1.1.93 and as the applicant was retired on 30.11.92, he was not entitled to promotion to the next higher grade under the BCR Scheme.

3. Heard the learned counsel for the parties and also perused the averments made by the parties in the OA and in the reply.

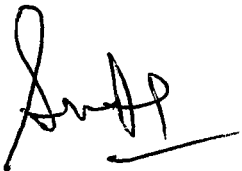
4. No doubt, the criteria for giving benefit under BCR Scheme is 26 years of satisfactory service and the respondents have not denied that the applicant had not completed 26 years of satisfactory service on 23.12.92. The claim of the applicant for giving him higher scale of pay was rejected on the ground that on the date of review the applicant was not in service. We are unable to



persuade ourselves to the reasoning given by the respondents. If this argument is accepted, it could amount to discrimination between the persons who are in service and ~~xx~~ who have been retired on the date of review. The date of review appears to have been fixed for the purpose of convenience but ~~h~~ this does not mean that those persons who completed 26 years of satisfactory service before the date of review DPC must be in service.


5. The learned counsel for the applicant has argued that in OA 330/93, decided on 14.9.99, this Tribunal has allowed the OA and the respondents were directed to convene a review DPC to grant the higher pay scale to the applicant under the BCR Scheme on completion of 26 years of satisfactory service w.e.f. 24.5.92. He submits that case of the applicant is squarely covered by the order passed by this Tribunal.

6. We have heard the learned counsel for the respondents also and also perused the whole record and the impugned order dated 14.9.99 passed by this Tribunal in OA 330/93. We are of the considered opinion that case of the applicant is squarely covered by the order passed by this Tribunal in OA 330/93, decided on 14.9.99. Therefore, the applicant is entitled to the relief sought for.

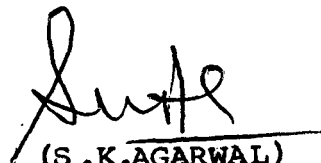


7. We, therefore, allow this OA and direct the respondents to convene review DPC for consideration of higher pay scale to the applicant under BCR Scheme w.e.f. 24.10.92 with all consequential benefits. The whole exercise must be completed within a period of two months from the date of receipt of a copy of this order.

No order as to costs.



(N.P.NAWANI)
MEMBER (A)



(S.K.AGARWAL)
MEMBER (J)