

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 31/12/2002

OA 71/97.

1. Laxman Swaroop Sharma, Postal Assistant O/o Head Post Office, Kota.
2. Bhag Chand Verma, Postal Assistant, Head Post Office, Kota.

... Applicants

Versus

1. Union of India through Secretary of Posts, Govt. of India, Dak Bhawan, New Delhi.
2. Post Master General (Southern Region), Ajmer.
3. Chief Post Master General, Rajasthan Circle, Jaipur.
4. Sr. Supdt. of Post Offices, Kota Jn., Kota.
5. Balbir Singh Chaudhary, Postal Assistant under Head Post Master, Sri Ganganagar.

... Respondents

CORAM:

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

HON'BLE MR.J.K.KAUSHIK, JUDL.MEMBER

For the Applicants

... Mr.Rajveer Sharma

For the Respondents

... Mr.R.L.Agarwal, proxy counsel
for Mr.Bhanwar Bagri

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

The two applicants of this OA were initially appointed as Postal Assistants on 9.11.72 and 16.3.72 respectively. In due course, they came to be promoted to the post of UDC (SBCO). A Time Bound One Promotion (TBOP) Scheme was introduced by the respondents on 30.11.83, which was made applicable to the staff of Postal Wing and not to SBCO. A Biennial Cadre Review (BCR) Scheme was introduced vide letters dated 26.7.91, 11.10.91 and 22.7.93 with a view to provide promotional prospects to the employees of the Department of Posts. As per these schemes, the officials who complete prescribed length of service satisfactorily in the grades, are placed in the next higher grade. When the applicant discovered that their erstwhile juniors have been considered eligible for TBOP, they submitted a representation dated 21.5.96 claiming benefit of higher scale of Rs.1400-2300 w.e.f. 4.12.88 in respect of applicant No.1 i.e. Laxman Swaroop Sharma, and 16.3.83 in respect of applicant No.2 i.e. Bhag Chand Verma. By the

impugned order dated 6.5.96 (Ann.A/1) the applicants were informed that since they belong to the cadre of Postal Assistants (SBCO), which is not interchangeable with Postal Assistants (Post Offices), hence the question of repatriation cannot be considered. By filing this OA, the applicants have made a prayer that the respondents be directed to repatriate them in the service of Post Offices, where they originally belonged and they may be permitted to get their seniority and pay fixation in that Wing.

2. We have heard the learned counsel for the parties and also perused the reply filed by the respondents and the various orders relating to TBOP and BCR, as brought on record.

3. The main ground on which the claim of the applicants has been denied by the respondents is that the TBOP Scheme of 30.11.83 was not applicable to SBCO Wing. For SBCO, the scheme was extended only w.e.f. 1.8.91. This scheme provide for obtaining options from the employees as to whether they would like to opt for this scheme or to opt for the old UDC cadre. Both the applicants clearly opted the TBOP Scheme which became applicable to SBCO Wing w.e.f. 1.8.91. Since the applicants made a choice on their own, now they cannot seek relief for going back to to their old cadre of UDC in the Post Office.

4. The learned counsel for the applicant reiterated the stand of the applicants as per their averments in the OA. The applicants made out a case that vide letter dated 8.2.96 TBOP/BCR Schemes were modified and this clearly provide for extending the benefit to the seniors so long as the juniors availed the benefits. The contention of the applicants was since their juniors in the Post Offices have been given the benefit of these schemes w.e.f. 1983, they are also similarly entitled. The learned counsel for the respondents defended the case of the respondents by saying that the letter dated 8.2.96 did not create any right in favour of the applicants as it mere provide promotion to the seniors with respect to their juniors in the respective Wings of Post Office and SBCO. Since the applicants had chosen to remain in SBCO, they cannot derive any benefit out of this letter dated 8.2.96 and seek repatriation to their earlier cadre.

5. We have given careful thought to the rival contentions. It is not the case of the applicants that their juniors in SBCO Wing have been given some benefits under the TBOP/BCR Schemes, which has been

denied to them. They are claiming only with respect to their erstwhile juniors of the Post Office Wing. In support of their claim, they are placing reliance on the letter dated 8.2.96 (Ann.A/10). We have carefully perused the contents of this letter, which has been issued in modification of TBOP/BCR Schemes. It has been noted in the said letter that some officials e.g. UDCs in SBCO, LSG (both 1/3rd and 2/3rd), Post Office & RMS Accountants, who were seniors before implementation of the schemes were denied higher scale of pay admissible under the schemes while some junior officials became eligible for higher scale of pay by virtue of their length of service. It was decided that such of the UDCs in Circle Office and SBCO, LSG (both 1/3rd and 2/3rd), Post Office & RMS Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay, will now be considered for the next higher scale from the date their immediate juniors became eligible. A reading of these instructions does not give any impression whatsoever that this also mean that those who have changed their cadre from one Wing to another can also claim this benefit with respect to their juniors in the erstwhile cadre. The prayer of the applicants is not supported by any rule or instructions on the subject. They have been in SBCO all these years and now they cannot go back and impinge upon the rights of those who have continued in the Post Office Wing.

6. In view of the discussions in the preceding paragraphs, we find no merit in the case of the applicants. This OA is, therefore, dismissed. No order as to costs.

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(J.K. KAUSHIK)
MEMBER (J)

Chap
(A.P. NAGRATH)
MEMBER (A)