

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 31.12.2001

OA No.170/1998

Mukesh Kumar Sharma s/o Shri Amar Singh Sharma r/o Postal Colony, Bharatpur and presently working on the post of Hindi Typist, Office of Superintendent of Post Office, Bharatpur Division, Bharatpur.

..Applicant

Versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communications, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur
3. Superintendent of Post Office, Bharatpur Postal Division, Bharatpur.

.. Respondents

Mr.C.B.Sharma, counsel for the applicant

Mr. R.L.Agarwal, proxy counsel to Mr. Bhanwar Bagri, counsel for the respondents

CORAM:

Hon'ble Mr. Justice O.P.Garg, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Singh, Administrative Member

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant, Mukesh Kumar Sharma, has prayed for a direction to the respondents not to hold review DPC in terms of respondents' letter dated 28.4.1998 (Ann.A1) and further

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not to withdraw promotion to the LSG grade already given to the applicant and to consider the case of the applicant for further promotion at par with other employees in the scale.

2. Applicant's case is that he was initially appointed as Hindi Typist in the scale Rs. 260-480 on 17.11.1981. The applicant was granted promotion to the next higher grade of Rs. 1400-2300 vide letter dated 17.4.1997 (Ann.A3). The contention of the respondents is that the cadre of Hindi Typist was wrongly considered for promotion to the higher scale under Time Bound One Promotion (TBOP, for short) scheme and hence it has been decided to hold the review DPC vide respondents' letter dated 28.4.1998. Feeling aggrieved, the applicant has filed this OA.

3. In the counter, it has been stated by the respondents that the cadre of Hindi Typist was not covered under the scheme of TBOP and the applicant was wrongly considered by the DPC held on 11.4.1997 for promotion to the higher pay scale under the scheme. When this fact came to the notice of the authorities, a review DPC was ordered to be held to rectify the irregularity. It has, therefore, been asserted by the respondents that the applicant has no case and this application is liable to be dismissed.

4. The controversy whether the Hindi Typists are eligible for pay scale of the Postal Assistant and further for promotion to higher scale under TBOP scheme has come up before us in Jodhpur Bench in OA No. 20/99 and the

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batch decided on 21.8.2000, in which one of us (Mr. Gopal Singh) was a member. The applicant therein, who was a Hindi Typist, was held entitled to the pay scale of Rs. 4000-6000 at par with that of the Postal Assistants and was also held entitled to promotion to LSG as per TBOP scheme, if otherwise found suitable.

5. Following the detailed reasons recorded in our order dated 21.8.2000 passed in OA No.20/99 and the batch, we allow this OA declaring the applicant as entitled to promotion under TBOP scheme at par with Postal Assistants. The impugned order dated 28.4.1998 (Ann.A1) accordingly stands quashed. No costs.

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Adm. Member

O.P.GARG

(O.P.GARG)

Vice Chairman