

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.80/2001

Date of order: 9/8/2001

Sua Lal S/o Sh.Bhura Ram, working in the O/o Railway Mail Service, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Deptt.of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Sr.Superintendent, Railway Mail Service, Jaipur.

...Respondents.

Mr.P.N.Jati : Counsel for applicant

Mr.N.C.Goyal : for respondents.

CORAM:

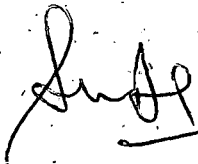
Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.A.P.Nagrath, Administrative Member.

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

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to quash and set aside the impugned order dated 27.6.2000 and direct the respondents to allow him higher pay scale (Rs.5000-8000) w.e.f. 13.10.1999 the date on which the applicant completes 26 years of service.

2. The case of the applicant in brief is that he completed 26 years of satisfactory service on 13.10.99 and as per orders/instructions issued by the department from time to time, the applicant becomes entitle to higher scale of pay on completion of 26 years of satisfactory service but the respondents issued the impugned order dated 27.6.2000 allowing the applicant higher scale of pay (Rs.5000-8000) w.e.f. 1.1.2000. The applicant submitted representation but

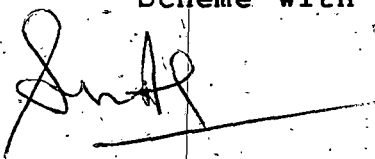


with no avail. It is stated that the impugned order is illegal, unjustified and contrary to rules therefore the same is liable to be quashed and set aside. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply it is admitted that the applicant completed 26 years of service on 13.10.99. It is also stated that the applicant has been given higher scale of pay w.e.f. 1.1.2000 vide the impugned order dated 27.6.2000, as per the instructions issued by the Department of Posts on 11.10.91 (Annx.A3). It is stated that as per Annx.A3, the crucial date of promotion is first July for those who completes 26 years satisfactory service between 1st January and 30th June and first January to those who completes 26 years of satisfactory service between first July and 31st December, therefore in view of Annx.A3, the applicant has rightly been given higher scale of pay (Rs.5000-8000) w.e.f. 1.1.2000 and the applicant has no case for interference by this Tribunal.

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

5. The object of BCR Scheme is to provide some incentive to those who are performing their duties with entire satisfaction of the department. On a perusal of letter dated 11.10.91 it becomes abundantly clear that with a view to provide relief to the employees, the govt have accepted the BCR Scheme under which the incumbent of existing posts would be enabled to draw pay in higher scales on completion of 26 years of service. The intention of the Govt is to provide the benefit of promotion under the BCR Scheme with effect from the date an employee completes 26

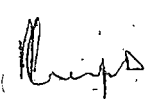


years of service provided he is otherwise found fit and the crucial dates as prescribed in para-VIII of the letter dated 11.10.91 are only dates on which the department is required to review the cases of all such employees who would be completing/have completed 26 years of service on the crucial dates. Therefore, as per letter dated 11.10.91, the applicant becomes entitled to higher scale of pay under BCR Scheme w.e.f. the date he completes 26 years of satisfactory service.

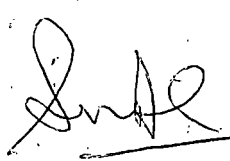
6. The learned counsel for the applicant urged that Ahmedabad Bench of the Tribunal in O.A No.121 of 2000, H.T. Tripathi & Anr. Vs. UOI & Ors, decided on 28.2.2001, held that higher scale of pay (promotion under BCR Scheme) is entitled with effect from the date when he completes 26 years of satisfactory service and the case of the applicant is also squarely covered by the order passed by the Ahmedabad Bench of the Tribunal, therefore, the applicant is also entitled to the relief sought for.

7. In the light of above all, we allow this O.A and quash and set aside the impugned order dated 27.6.2000 and direct the respondents to allow the applicant higher pay scale of Rs.5000-8000 under BCR Scheme w.e.f. 13.10.1999, the date when he completes 26 years of satisfactory service with all consequential benefits.

8. No order as to costs.


(A.P. Nagrath)

Member (A).


(S.K. Agarwal)

Member (J).