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MA | MAY 2002 | Master Copy | JAIPUR-302 004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.267/98 Date of order: 11.4.2002

D.P.Sharma, S/o Sh.Rameshwar Prasad Sharma, working as Sorting Assistant in the office of RMS, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt, Deptt. of Posts, Dak Bhawan, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Sr.Superintendent, RMS, JP Division, Jaipur.

...Respondents.

Mr.P.N.Jati : Counsel for applicant

Mr.N.C.Goyal : Counsel for respondents.

CORAM:

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

Hon'ble Mr.J.K.Kaushik, Judicial Member.

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

The applicant is working on the post of Sorting Assistant. The scheme of time bound one promotion after completion of 16 years of service is applicable in his case. He was appointed in Group-C category on 13.10.95. He has been granted promotion under the Scheme w.e.f. 20.10.96. By filing this O.A, he seeks directions to the respondents to grant promotion w.e.f. 14.10.95, the date on which he had completed 16 years of service.

2. We have perused the averments in the O.A and reply of the respondents and heard the learned counsel for the parties.

3. The ground on which the respondents have denied the Scheme to the applicant is that when the DPC met in the year 1995, a disciplinary case under Rule 16 of the CCS(CCA)

Rules, 1965 was pending against him and on the recommendation of the DPC, his case was kept in a sealed cover. As per procedure, the sealed cover is to be opened in case the employee is exonerated of the charges and if he is visited by some penalties, the opening of the sealed cover shall not be acted upon. Since, in the instant case, a penalty of 'Censure' was imposed on the applicant, the sealed cover was not opened. The next DPC was held on 20.6.96 which recommended the promotion of the applicant w.e.f. 20.10.96 and accordingly he has been promoted.

4. In so far the position that the sealed cover could not be acted upon the applicant on conclusion of departmental proceedings, there is no dispute. The only point for consideration is as to when DPC which met on 20.6.96 considered him suitable for promotion under the Scheme while he could not be promoted w.e.f. 20.10.95, as on that date he had no punishment against him and the condition of 16 years of service had also been fulfilled.

5. This issue, that in case of OTBP/BCR Scheme the promotion should be given w.e.f. the date an employee has completed the requisite length of service or from the date the subsequent sitting of the DPC which meets once or twice a year. The consistent view taken by this Bench is under such Scheme, the benefit of upgradation must be extended from the date an employee completes the required length of service as prescribed under these schemes. We do not see any justification in the respondents' action of denying the benefit of upgradation of the benefit from 20.10.95. The prayer made in the O.A is liable to be accepted.

6. We allow this O.A and direct the respondents to give effect one time bound promotion to the applicant w.e.f.

20.10.95 instead of 20.10.96. The applicant shall be entitled to all consequential benefits. The respondents shall comply with this order within 3 months from the date of receipt of a copy of this order. No costs.

(J.K.Kaushik)
Member (J)

(A.P.Nagrath)
Member (A).

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on 26/2/98

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