

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No 140 of 2005

Indore, this the 18th day of October, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Eathel Baghe
W/o Shri S.D. Baghel,
Aged about 53 years,
R/o LIG-9, Tatiband, Opp. Gurudwara
Raipur (C.G.)

Applicant

(By Advocate – Shri S.Paul on behalf of Shri M.Sharma)

V E R S U S

1. Union of India
Through Secretary/Director General of
Post Offices, Department of Post,
Central Secretariat, North Block.
New Delhi.

2. The chief Post Master General,
Chhattisgarh Circle,
Raipur (CG).

Respondents

(By Advocate – Shri M.Chourasia)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main reliefs :-

“ii) Direct the respondents to grant One Time Bound Promotion (TBOP) & BCR to the applicant by counting past services rendered in the Department of Rehabilitation, with effect from 1.1.1987 and 1.1.1997 respectively, with all consequential benefits of pay, perks, status and arrears thereof.

2. The brief facts of the case are that the applicant joined the respondents-department on 20.10.1977 as Postal Assistant. Prior to



joining the respondents department, the applicant was initially appointed as Primary Teacher in Mana Camp under the Department of Rehabilitation, Govt. of India on 18.12.1971. The applicant is eligible to get promotion under the One Time Bound Promotion Scheme/BCR (for short 'OTBP') after completion of 16/26 years of service. For the purpose of granting the benefit of OTBP/B.C.R, the respondents department is not reckoning the service rendered by the applicant in the erstwhile department. According to the applicant, certain similarly placed persons, who were also denied the same benefit of not counting the services rendered by them in erstwhile department, approached the courts and matter traveled up to the Apex Court. The Apex Court vide its judgment dated 15.12.1998 rendered in Civil Appeal No. 3093/1998 in the matter of Dwijin Chandra Sarkar and Anr. Vs. Union of India and Ors., reported in 1999 Vol. II SCC 119 has held that the benefit of past service of such employees is to be given for the limited purpose of eligibility for computing the number of years of qualifying service to enable them to get the higher grade under the OTBP/BCR Scheme. Since the respondents have not given the aforesaid benefit in due time to the applicant, he has filed the present OA claiming the aforesaid reliefs.

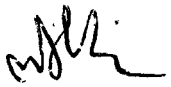
3. Heard the learned counsel for the parties and carefully perused the records.

4. The learned counsel for the applicant states that it is a covered matter by the orders of the Tribunal passed on 15.7.2002 and 9.2.2003 in OAs Nos. 407/2000 and 149/2003 and the applicant is, therefore, entitled for the benefit of counting of his service rendered by him in the erstwhile department for promotion under OTBP/BCR Scheme. On the other hand the learned counsel for the respondents states that since the applicant was not a party in the aforesaid OA, he cannot be granted the same benefit.



5. We have considered the rival contentions of the parties and we find that ²⁰⁰⁴ ~~it is not in dispute~~ ²⁰⁰⁴ that the applicant is also similarly situated as applicant in OAs Nos. 407/2000 and 149/03 wherein the Tribunal has directed the respondents vide its orders dated 15.7.2002 and ²⁰⁰⁴ ~~9.2.2003~~ to count his past service rendered by the applicant in the erstwhile department for the purpose of promotion to the applicant under the OTBP/BCR Scheme. We have also perused the orders passed by this Tribunal in OA No. 149/03 in the case of Anjali Sanyal Vs. UOI & Ors. decided on 9.2.2004 and OA No.212/2000, Shashi Kumar Dwivedi Vs. UOI & Ors. decided on 27.6.2003 and also OA No.311/2002 Kamlesh Chandra Vishwas Vs. UOI & Ors. decided on 2.7.2003. The issue involved in the present case has already been decided by the Hon'ble Supreme Court in the case of Dwijin Chandra Sarkar (Supra) and this Tribunal. Since, the applicant is similarly placed as applicants in the aforesaid OAs, he should also be granted the same benefit by counting his erstwhile service rendered in Rehabilitation Department, Govt. of India for the purpose of granting promotion under OTBP/BCR scheme with all consequential benefits including arrears. Accordingly, the respondents are directed to pass necessary orders to this effect within a period of three months from the date of receipt of a copy of this order. No costs.


(Madan Mohan)
Judicial Member


M.P. Singh)
Vice Chairman

skm

पृष्ठांकन सं. ओ/व्या.....जयपुर, दि.....

- (1) सचिव, जयपुर, दि.....
(2) सचिव, जयपुर, दि.....
(3) सचिव, जयपुर, दि.....
(4) सचिव, जयपुर, दि.....

सूचना एवं आचार्य
जयपुर

M. Singh
As Chairman

14.11.2005