

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.261/04

Indore, this the *29th* day of September, 2004.

CORAM

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

Smt.Kamla Bhattacharya
w/o Shri A.K.Bhattacharya
Postal Assistant, O/o C.P.M.G.
C.G.Circle, Raipur
R/o 3/72, Laxmi Nagar, Pachpedi Naka
Raipur, Chhattisgarh.

Applicant

(By advocate Shri Manoj Sharma)

Versus

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

2. The Chief Post Master General
Chhattisgarh Circle
Raipur.

Respondents.

(By advocate Shri P.Shankaran)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following main reliefs:

- (i) Quash the impugned order dated 8.1.2004 (A1)
- (ii) Direct the respondents to grant One Time Bound Promotion (TBOP) to the applicant by counting services rendered in the Department of Rehabilitation with effect from 12.10.70 and consequently the benefit of TBOP effective 12.10.86 with all consequential benefits of pay, perks, status and arrears thereof with appropriate rate of interest till its realization.

2. The brief facts of the case are that the applicant joined the respondent Department on 17.5.1977 as Postal Assistant. Prior to joining the respondent Department, the applicant was initially appointed as Primary Teacher in Mana Camp under the Department of Rehabilitation, Govt. of India on 12.10.1970. It is pertinent to mention that after



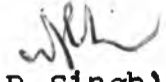
reduction of work in the Rehabilitation Department, the applicant was transferred in public interest and the services rendered in the said Department were counted for purposes of fixation of pay, gratuity etc. except seniority. In the respondent Department, a Time Bound One promotion scheme has been introduced wherein after completion of 16 years of service, an employee is entitled to pay and designation of next higher post without any reference to the seniority of such an incumbent, vacancy of posts etc; as such, an incumbent is required to perform the same functions, duties and responsibilities with only change in designation and pay scale. For the purpose of granting the benefit of Time Bound One Promotion (TBOp), the respondent Department is not reckoning services rendered by the applicant in the erstwhile Department. The same was the case with other similarly situated employees resulting in a spate of litigation and the Apex Court in Civil Appeal No.3090/1988 (Dwijin Chandra Sarkar and others Vs. Union of India and others) reported at 1999 Vol.II SCC page 119 and similarly situated colleagues of the applicant approached this Tribunal in a joint petition in OA Nos. 304/99, 305/99 and 306/99 and in CCP No.46/99 decided on 10th May 2000, the Tribunal passed the order in support of the applicant.

3. Heard the learned counsel for both parties and perused the order passed in OA 304/99, 305/99 and 306/99 dated 3.8.99 and also the order passed in CCP No.46/99 dated 10th May 2000. In this CCP, the Tribunal passed the order "However, since the respondents appear to be in confusion, we direct that the principle as laid down by the Apex Court in the case



mentioned in the OA shall be equally applicable to the applicants and the applicants shall be granted all lawful consequential benefits within 3 months from the date of receipt of a copy of this order. We also direct that the department shall also consider applying the same principle to all other similarly situated persons to avoid litigation. We have also perused the citation of 2004 SCC (L&S) 167 Union of India and another Vs.V.N.Bhatt decided on 16th October, 2003 in which the Hon'ble Supreme Court has also considered the case of Dwijen Chandra Sarkar Vs.UOI (1999) 2 SCC 119 and we have also perused the orders passed by this Tribunal in OA No.149/03 Smt.Anjali Sanyal Vs. UOI & ors. decided on 9th February, 2004, in OA No.212/2000 Shashi Kumar Dwivedi Vs.UOI & ors. decided on 27th June 2003 and also OA 311/2002 Kamlesh Chandra Vishwas Vs.UOI & Ors. decided on 2nd July, 2003. The issue in this case has already been decided by the aforesaid judgement of the Hon'ble Supreme Court and by the various orders of this Tribunal. The decision in the aforesaid OAs shall mutatis-mutandis apply to the present case. Accordingly, on the same lines, this OA is allowed and it is directed that the past service rendered by the applicant in the Department of Rehabilitation be counted for TBOP as claimed by the applicant with all consequential benefits including arrears within three months from the date of communication of this order. No costs.


 (Madan Mohan)
 Judicial Member


 (M.P. Singh)
 Vice Chairman

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पूर्वांकन सं ओ/न्या.....जबलपुर, दि.....
 पत्रिकापि अद्योदित -

- (1) सचिव, उच्च न्यायालय उच्च न्यायालय, जबलपुर
 - (2) ~~अध्यक्ष श्री/श्रीमती, उच्च न्यायालय, जबलपुर~~ के सचिव
 - (3) ~~प्रत्यक्षी श्री/श्रीमती, उच्च न्यायालय, जबलपुर~~ के सचिव
 - (4) न्यायालय, उच्च न्यायालय, जबलपुर न्यायालयीय सूचना एवं आचरणक कार्यवाही हेतु
- Shri Ch. Sharma HCTB*
Shri P. Shukla HCTB
 श्री राजेश्वर

Issued
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