

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 149 of 2003

Jabalpur, this the 9th day of February, 2004.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

Smt. Anjali Sanyal
W/o Shri B.P. Sanyal,
Aged about 54 years,
Postal Assistant, H.P.O. Raipur
R/o 130, Tikrapara, R.D.A. New
Colony (Behind Nutan School)
Raipur, Chhattisgarh.

APPLICANT

(By Advocate - Shri S. Ganguli on behalf of Shri M. 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 - 492 001.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

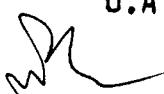
The applicant has filed this OA for seeking following
main reliefs :-

- (ii) To quash the impugned order dated 3.1.03
(Annexure-A-1)
- (iii) To direct the respondents to grant One time
Bound Promotion (OTBP) to the applicant by
counting services rendered in the Department
or Rehabilitation with effect from 3.10.1970
and consequently the benefit of OTBP effective
3.10.1986 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 respondents' Department on 13.5.1977 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 3.10.1970. The applicant is eligible to get promotion under the One Time Bound Promotion Scheme (for short OTBP) after completion of 16 years of service. For the purpose of granting the benefit of ^{One} time Bound ~~Apex~~ Promotion, 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 court and matter travelled 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 Dwijen Chandra Sarkar and Anr. vs. Union of India and Ors., reported in 1999 Vol.II SCC 129, has held that the benefit of past services of such employees ~~are~~ ^{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 Scheme. Since the respondents have not given the aforesaid benefit to the applicant, claiming he has filed the present O.A. ~~for~~ for the aforesaid reliefs.

3. Heard the learned counsel for the parties.
4. The learned counsel for the applicant states that it is a covered matter by the order of the Tribunal passed on 15.07.2002 in O.A. No. 407/2000 and the applicant is, therefore, entitled for the benefit of counting his service rendered by him in the erstwhile department for promotion under OTBP Scheme. On the other hand, the learned counsel for the respondents states that since the applicant was not ^a party in that O.A., he cannot be granted the same benefit.

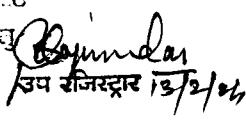


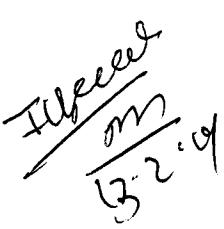
5. We have considered the rival contentions of the parties and we find that it is not in dispute that the applicant is also similarly situated as applicant in OA No. 407/2002 wherein the Tribunal has directed the respondents vide its order dated 15.7.2002 to count his past service rendered by the applicant in the erstwhile department for the purpose of promotion to the applicant under the OTBP Scheme. Since the applicant is similarly placed, 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 Scheme. ~~Maxdaxga~~ Accordingly, the respondents are directed to pass the necessary orders to this effect within a period of three months from the date of receipt of a copy of this order. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice-Chairman

/skd/

पृष्ठांकन सं ओ/व्या..... जयलपुर, दि.....
यह लिखित रूप से दिलाया गया है।
(1) सचिव, राजा रामराज्य नाना पुस्तकालय, जयलपुर
(2) आदेश दीप/प्रीति/यु..... के काउंसल M. S. Narine
(3) प्रधारी दीप/प्रीति/यु..... के काउंसल P. Shankar
(4) दंपत्ति, दीप/प्रीति/यु..... सूचना एवं आवश्यक कार्यवाही देना

उप सचिव/द्वारा 13/2/03


B. J. M. D.
13/2/03