

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 153 of 2003
Original Application No. 147 of 2003
Original Application No. 148 of 2003
Original Application No. 150 of 2003
Original Application No. 151 of 2003
Original Application No. 152 of 2003

Jabalpur, this the 10th day of February, 2004

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

1. Original Application No. 153 of 2003 -

Smt. Nisha Naidu, W/o. Shri
S.N. Naidu, Aged about 60 years,
Postal Assistant, HPO Raipur,
R/o. Ravanbhata, C/25 Radha Soami
Nagar, Raipur, Chhattisgarh. ... Applicant

2. Original Application No. 147 of 2003 -

Smt. Vandana Dalal, W/o. Shri
Vasant Dalal, Aged about 55 years,
Postal Assistant, Tatibandh, P.O.
Raipur, R/o. Rohinipuram, P & T
Plot No. 21, Raipur, Chhattisgarh. ... Applicant

3. Original Application No. 148 of 2003 -

Smt. Geeta Nandi, W/o. Shri
S.R. Nandi, Aged about 58 years,
Sorting Assistant, HO (RMS), Raipur,
R/o. Postal Complex, C-4/15, Tikrapara,
Raipur, Chhattisgarh. ... Applicant

4. Original Application No. 150 of 2003 -

Ku. Uma Rani Sanyal, D/o. Shri
S.N. Sanyal, Aged about 53 years,
Postal Assistant, HPO Raipur,
R/o. Behind Dhubha Dhari Mandir,
Kukri Para, Subhash Nagar, Near
Anjana Box, Raipur, Chhattisgarh. ... Applicant

5. Original Application No. 151 of 2003 -

Ku. Kamla Banjari, D/o. Late Shri
G. Ram, Aged about 53 years, Postal
Assistant, HPO Raipur, R/o. Near
Adarsh Atta Chakki, Raja Talab,
Raipur, Chhattisgarh. ... Applicant

6. Original Application No. 152 of 2003 -

Smt. Shamim Hydary, W/o. Shri S. Azez,
Aged about 53 years, Postal Assistant

HPO Raipur, R/o. Raja Talab, Noorani
Chowk, Raipur, Chhattisgarh.

... Applicant

(By Advocate - Shri S. Ganguli on behalf of Shri M. Sharma
in all the OAs)

V e r s u s

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
in all the
OAs

(By Advocate - Shri Om Namdeo for the respondents in OAs
Nos. 153/2003, 152/2003, 151/2003 and 150/
2003, and

Shri P. Shankaran for the respondents in
OAs Nos. 148/2003 and 147/2003)

Common O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Since the issue involved in all the cases is common
and the facts and the grounds raised are identical, for the
sake of convenience these OAs are being disposed of by
this common order.

2. OA No. 153/2003 will be treated as a leading case,
in which the applicant has claimed the following main
reliefs :

"ii) Quash the impugned order dated 3.1.2003
(Annexure A-1).

iii) Direct the respondents to grant One Time
Bound Promotion (OTBP) to the applicant by counting
services rendered in the Department of Rehabilitation
with effect from 24.12.1971 and consequently the
benefit of OTBP effective 24.12.1987 with all
consequential benefits of pay, perks, status and
arrears thereof with appropriate rate of interest
till its realization."

3. The admitted facts of the case as stated by the

parties are that the applicant joined the Department

of Posts on 4th August, 1979 as a Postal Assistant. Prior to joining the respondent's Department the applicant was initially appointed as Primary Teacher in Mana Camp under the Department of Rehabilitation, Government of India on 24.12.1971. Due to reduction of work in the Rehabilitation Department, the applicant was transferred in public interest and the services rendered in the said Department by the applicant were counted for purposes of fixation of pay, gratuity etc. except seniority.

3.1. The applicant was eligible for one time bound promotion scheme (OTBP scheme) on completion of 16 years of service. For the purpose of granting the benefit of OTBP scheme, the respondents are not reckoning the services rendered by the applicant in the erstwhile Department. According to the applicant similarly placed persons had earlier filed OA in the Tribunal, which went upto the Apex Court, wherein the Hon'ble Supreme Court vide its judgment dated 15.12.1998 rendered in Civil Appeal No. 3093/1988 (Dwijen Chandra Sarkar and another vs. Union of India and others, (1999) 2 S.C.C. 119), has held that the benefit of past services of such employees are 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. The applicant has also relied upon the judgment of this Bench (Smt. Manju Das vs. UOI & Ors.) of the Tribunal in OA No. 407/2000 dated 15th July, 2002. Since the respondents are not giving this benefit of counting of past services rendered by the applicant in the erstwhile Department for the purpose of granting the benefit of OTBP scheme, she has filed this Original Application claiming the aforesaid reliefs.

4. Heard the learned counsel for the parties and perused the records and judgments carefully.

5. During the course of arguments the learned counsel for the respondents in OA No. 148/2003 has submitted that in this case the applicant has rendered service in Group-D post for some period in the erstwhile Department. Therefore that period of service will not be counted for computing the 16 years of service for the next promotion under the OTBP Scheme.

6. We have carefully considered the rival contentions and we find that the present case is fully covered by the decision given by this Tribunal on 15th July, 2002 in OA No. 407/2000 and also the judgment of the Hon'ble Supreme Court in the case of Dwijin Chandra Sarkar (supra). Since the benefit of counting the past service has already been given to the similarly placed persons by the respondents, the respondents at this stage cannot deny the benefits on the ground that the applicant has not completed 16 years of service in the Department and also he was not a party in the other OAs filed by the similarly placed persons. Since the benefits of counting the past services has already been granted by the Hon'ble Supreme Court, we do not find any reason to deny the same benefits to the applicant.

7. Accordingly, we direct the respondents to count the past services rendered by the applicant in the erstwhile Department (Department of Rehabilitation) for the purpose with all consequential benefits of granting the benefit of OTBP Scheme. However as regards the applicant in OA No. 148/2003, that she has rendered service in Group-D post for some period in the erstwhile

Department, the respondents are directed to get verified the same and if found that she has not rendered the service in the qualifying grade in the erstwhile Department, then that period will not be counted for the purpose of benefit under the OTBP Scheme. The respondents are granted three months time to comply the direction given by the Tribunal, from the date of receipt of the copy of this order.

OAs Nos. 147/2003, 148/2003, 150/2003, 151/2003 and 152/2003 are also disposed of with the same directions.

8. With the above directions, these OAs are disposed of with no order as to costs.

9. The Registry is directed to place a copy of this order on record in the files of all the OAs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

फृष्टांकन दर्ता दिनांक: १३/२/०४

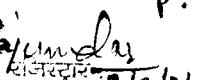
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सूचना दर्ता दिनांक: १३/२/०४


M. Shetty
OAS New Delhi
P. Shanthappa
13/2/04

~~File No. 132/04~~
13/2/04
OAS New Delhi