

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR
Original Application No. 607 of 2003

Bilaspur, this the 3rd day of February, 2005

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

Vishnu Ram Yarma
S/o late Shri B.R. Verma
aged about 50 years,
R/o near Niranjan Cycle
Stores, Main Road, Raipur.

Applicant

(By Advocate – Shri M.N. Banerjee on behalf of Shri M.B. Shrivastava)

VERSUS

1. Union of India
through the Secretary Ministry
of Communication, Department
of Posts Dak Bhavan, Sansad Marg
New Delhi.
2. The Post Master General,
Chhattisgarh Circle,
Raipur.
3. Superintendent of Railway
Mail Services R.P. Raipur.

Respondents

(By Advocate – Shri K.N. Pethia)

O R D E R (ORAL)

By M.P. Singh, Vice chairman -

By filing this original Application, the applicant has sought the following main relief :-

“i.to direct the respondents to extend the benefit of two scheme respectively dt. 27.12.83 Annexure A/7 and 11.10.91 Annexure A/8 issued by respondent No.1 by treating the applicant in continuous service from 17.9.1974 of Rs.1400-2300 from 17.9.1990 after completion of 16 years and toward pay scale of Rs.1600-2660/Revised 5000-8000/ from 17.9.2000 after completion of 26 years service with all arrears and consequential benefits.”

2. The brief admitted facts of the case are that the applicant was appointed as a Meter Reader vide order dated 21.9.1974 (Annexure-A-2) w.e.f. 17.9.1974 on probation for a period of two years in Office of the Executive Engineer, Works Division, Mana Camp, Raipur under the Ministry of Supply and Rehabilitation (Department of Rehabilitation). Thereafter, he was appointed as a Primary Teacher in the scale of Rs.225-350 and transferred to Security Wing vide order dated 1.12.1978 (Annexure-A-3). After closer of the Mana Camp, he was declared surplus and, thereafter was redeployed on 16.10.1980 as Sorting Assistant in the scale of Rs.260-480 in the Department of Posts. According to the applicant he was entitled for the One Time Bound Promotion (for short 'OTBP') on completion of 16 years of service by counting the services rendered by him in the Mana Camp w.e.f. 17.9.1977, however, he has been granted the said promotion under the OTBP scheme after completion of 16 years service in the Department of Posts i. e. from the date of his joining on 16.10.1980. The applicant has further stated that he is also entitled for promotion under the Biennial Cadre Review Scheme (for short 'BCR' scheme) after completion of 26 years service, which has also not been granted to him. Hence this O.A.

3. The respondents in their reply have stated that the claim of the applicant with regard to his promotion w. e. f. 16.9.1989 under the OTBP Scheme is not acceptable as till 17.9.1989 he had not rendered 16 years service in the particular grade in the Department. His previous service in the Rehabilitation Department cannot be taken into consideration for promotion in the Department of Posts. However, he has been granted the said promotion in the pay scale of Rs.4500-7000 w. e. f. 22.10.1996 under the OTBP scheme after completion of 16 years service in the Department of Posts i. e. from the date of his joining on 16.10.1980. The respondents have further submitted that the applicant has not yet completed 26 years of qualifying service in the Department of Posts for placement in the higher scale. Hence, this OA is liable to be dismissed.

4. Heard the learned counsel of parties and carefully perused the records. We find that the only relief claimed by the applicant is with regard

to his promotions under the OTBP and BCR Schemes on completion of 16 years and 26 years of service respectively. For this purpose the applicant has submitted that the services rendered him in the Mana Camp should be taken into account for grant of these two promotions. The Department of Posts have not counted the services rendered by the applicant in Mana Camp for the purpose of counting 16 years and 26 years of service for promotion under the OTBP and BCR Schemes respectively. The learned counsel for the applicant has submitted that his case is squarely covered by the decision of this Tribunal in O.A.No.407/2000 (Smt.Manju Das Vs. Union of India and others) decided on 15.7.2002 and in O.A. No.212/2000 (Shashi Kumar Dwivedi Vs. Union of India & ors) decided on 27.6.2003.

We have gone through both the aforesaid judgments and we find that while allowing the aforementioned OAs the Tribunal has relied on the decisions of the Hon'ble Supreme Court in the cases of Dwijin Chandra Sarkar and others Vs. Union of India and others, (1999) 2 SCC 119 and Andhra Pradesh State Electricity Board Vs. R.Parthsarthy, (1998) 9 SCC 24 and also an earher decision of this Tribunal in OA.No.304/1999 decided on 3.8.1999 in which identically placed employees of Mana Camp of the Department of Rehabilitation whose services having been transferred to other departments were allowed such OTBP by counting past services spent in Mana Camp. In the case of Smt. Manju Das (supra) the Tribunal has passed the following order :-

“5. On the basis of discussion made above we direct the respondents to pass necessary orders in the light of the aforesaid Supreme Court order and in the light of order passed by this Tribunal in OA No. 304/99 and to count the past service of the applicant spent in Mana Camp of Department of Rehabilitation for the purpose of granting O.T.B.P. to the applicant and to pass the necessary order within 4 weeks from the date of receipt of this order. Accordingly this O.A is allowed. The parties will bear their own costs.”

Since the present case is squarely covered in all ~~force~~ ^{forms} by the aforesaid decisions of this Tribunal and also of the Hon'ble Supreme Court referred to above, this Original Application is liable to be allowed.

5. In the result, the Original Application is allowed. The applicant may be given the benefit of past services rendered by him in the Mana Camp for time bound promotions under the OTBP and BCR Schemes, as claimed by him, with all consequential benefits, including arrears, within a period of 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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Issued
On 10.2.05
B.R.

M.B. Shrivastava
D.V.D.B.B
K.N. Pathi & D.V.
D.B.S