

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 397 of 2002

Jabalpur, this the 7th day of July, 2004

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

Smt. Geeta Sharma, W/o. Shri
J.L. Sharma, Aged about 52 years,
R/o. Geeta Sadan, Plot No. 124,
Laxmi Nagar, Risali, Bhilai-490006.

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its Secretary, Ministry of Communication, New Delhi.
2. The Dy. Director General (P), Deptt. of Post, Dak Bhawan, New Delhi.
3. The Chief Post Master General, Chhattisgarh Circle, Raipur.
4. The Superintendent of Post Offices, Durg Division, Durg (Chhattisgarh).

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has claimed the following main reliefs :

"(ii) set aside the order dated 31.10.2002 Annexure A-1,

(iii) direct the respondents to give the benefit of judgments Annexure A-4, Annexure A-6 and Annexure A-7,


(iv) direct the respondents to provide benefit of OTBP scheme w.e.f. 26.11.1985 and BCR Scheme w.e.f. 26.11.1995 to the applicant along with 18% interest."

2. The brief facts of the case are that the applicant was initially appointed on 26.11.1969 as Assistant Teacher in Middle School, Mana Camp, Raipur. The applicant was declared surplus in the Mana Camp and thereafter was redeployed/absorbed in the present Department of Posts on 9.5.1977 as Postal

Assistant in pursuance of the order dated 16.4.1977. The Department has framed One Time Bound Promotion Scheme after completion of 16 years of regular service which is popularly known as OTBP scheme. The respondents framed second time bound promotion scheme after completion of 26 years of regular service which is known as Biennial Cadre Review Scheme. The applicant has completed her 16 years of service from the date of her initial appointment in Mana Camp on 26.11.1985. Accordingly, the applicant has completed 26 years of regular service on 26.11.1995. The applicant was not given the benefit of time bound promotion scheme counting her past services rendered in Mana Camp. The applicant was given the benefit of OTBP scheme on 9.5.1993 though the applicant was entitled to receive the same w.e.f. 26.11.1985. The applicant has not been given the benefit of BCR scheme so far. The applicant preferred representations but the same were rejected. Hence, this Original Application.


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

4. It is argued on behalf of the applicant that a similar matter was considered by the Hon'ble Supreme Court in the case of Dwijendra Chandra Sarkar Vs. Union of India & Ors., AIR 1999 SC 598, in which the Apex Court directed that the services rendered in Rehabilitation Department/Mana Camp shall be treated for the purposes of grant of the aforesaid schemes. In one similar matter i.e. OA No. 304/1999, Smt. G. Roy & Ors. Vs. Union of India & Ors., decided on 3rd August, 1999, this Tribunal followed the judgment of the Hon'ble Apex Court referred to above and disposed of the OA to consider the case of the applicants. Hence, the case of the present applicant is fully covered by the judgment of the Hon'ble Apex Court and the order passed by the Tribunal in OA No. 304/99. The order passed in these cases shall be applicable to the present case.



5. In reply the learned counsel for the respondents vehemently opposed and argued that since the applicant was claiming the time bound promotion w.e.f. 26.11.1969 and BCR promotion, the same was rejected due to non-completion of the requisite service. The action taken by the respondents in rejecting the claim of the applicant is fully in accordance with law and the applicant had been granted time bound promotion from the date she joined the Department as Asstt. Teacher, Middle School, Mana Camp. It is submitted that the time bound promotion and BCR promotion can only be given when a person has completed the requisite service in the Department itself. The services rendered by the applicant in other department cannot be counted for the purposes of OTBP and BCR promotions unless the conditions are fulfilled in the same Department. The judgment of the Hon'ble Supreme Court in Dwijen Chandra Sarkar (supra) is not applicable in the present case as the benefit of the same judgment can only be given to the persons who are party in that petition as per letter dated 28.5.2002 issued by the Directorate. The action taken by the respondents are just and proper and can not be said to be unreasonable. Hence, the OA is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the judgments and records of the case, we find that the order passed in OA No. 304/1999 (supra) and in a similar OA No. 407/2000, Smt. Manju Das Vs. UOI & Ors., decided on 15th July, 2002 shall be applicable to the present case. All these orders are passed on the basis of the judgment passed by the Hon'ble Apex Court in Dwijen Chandra Sarkar's case (supra). We have perused the reliefs claimed by the applicant. Thus, in view of the above observation, we set aside and quash the order dated 31.10.2002 Annexure A-1 and direct the applicant to move a fresh representation to the respondent regarding her grievances within a period of one month from the



date of receipt of a copy of this order. If the applicant complies with this, then the respondents are directed to consider and decide the said representation of the applicant in the light of the aforesaid judgment of the Hon'ble Supreme Court and in the light of the orders passed by the Tribunal in OA No. 304/1999 and in OA No. 407/2000 and to count the past service of the applicant spent in Rehabilitation Department for the purpose of granting OTBP/BCR promotion to the applicant, within a period of two months from the date of receipt of such representation.

7. Accordingly, the Original Application stands allowed.
No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

पृष्ठान्त से ओ/व्या.....जबलपुर, दि.....

प्रतिलिपि भव्ये दिता:-

(1) सचिव, उच्च न्यायालय कार एग्रेसिवेशन, जबलपुर

(2) आवेदन श्री/श्रीमती/शु.....के काउंसल

(3) प्रत्यक्ष श्री/श्रीमती/शु.....के काउंसल

(4) अध्यक्ष, उच्च न्यायालय, जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

"SA"

उप निदेश

Shri S. Paul H.C.B.P.
Shri S.A. Haadkan

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