

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 163 of 2000

Jabalpur, this the 19th day of February, 2004

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

Vijay Kant Swarnkar, aged about
52 years, S/o. Late Shri Durga
Prasad Swarnkar, Asstt. Postmaster,
Sagar Cantt. HPO, Sagar (M.P.).
470 001.

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its
Secretary, Ministry of Communi-
cation, Department of Post,
New Delhi.
2. Chief Postmaster General,
M.P. Circle, Hoshangabad Road,
Bhopal (M.P.).
3. Senior Superintendent, Post
Offices, Sagar Division,
Sagar (M.P.).

... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"(ii) Set aside the order dated 15.1.1999
Annexure A-1;

(iii) to consider the case of the applicant for
promotion in BCR w.e.f. 1.10.1991 or in alternatively
from 1.1.1994;

(iv) Consequent on selection of the applicant in
the BCR he be given all consequential benefits
including arrears of promotional post, seniority and
other benefits arising thereto."

2. The brief facts of the case are that the applicant
was appointed in lower selection grade. As per the
instructions issued by the Postal Department, the applicant
was eligible for Bimneal Cadre Review/promotion after
(for short BCR)



completion of 26 years of service. The applicant has completed 26 years of service on 1.1.1994. Although the applicant was recommended by the DPC for grant of B.C.R. promotion with effect from 1.1.1994, he was not granted the promotion by the respondents as the applicant was facing a charge sheet on the date of holding the DPC. The learned counsel for the applicant has stated that on 1.1.1994 when he completed 26 years of service no charge sheet was issued to the applicant and the applicant was clear from all angle. The charge sheet was issued to the applicant subsequently in the year 1995. Therefore the recommendation of the DPC to grant BCR promotion to the applicant should have been accepted and the applicant should have been granted the benefit of BCR with effect from 1.1.1994. To support his claim he has placed reliance on the judgment of the ^{Bench of the} Tribunal in the case of S. V. Ranade and others Vs. Union of India, (1987)2 ATC 11. Aggrieved by this the applicant has filed this OA claiming the aforesaid reliefs.

3. On the other hand the learned counsel for the respondents has stated that at the time the applicant was considered by the DPC he was facing a charge sheet and therefore he could not have been granted the benefit of BCR promotion.

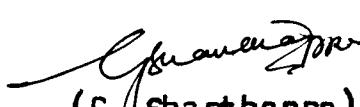
4. Heard the learned counsel for the parties and perused the records carefully.

5. We have also considered the rival contentions made on behalf of the parties. We find that the applicant has completed 26 years of service with effect from 1.1.1994. No charge sheet was issued to the applicant on that date. As per BCR scheme the DPC should be held twice a year regularly. In this case no DPC was held in the year 1994



and when the DPC was held in the year 1995 the charge sheet was issued to the applicant. In any case the applicant was clear from vigilence angle on 1.1.1994. Therefore the recommendation of the DPC to grant him the benefit of BCR scheme ^{ought to} ~~should~~ have been accepted by the respondents and the applicant should have been granted the benefit.

6. We therefore find that the action of the respondents in not granting the applicant the benefit of BCR scheme with effect from 1.1.1994 is not in accordance with law, rules and is liable to be interfered with by the Tribunal. In view of the above, we allow the Original Application and direct the respondents to accept the recommendations of the DPC and consider the case of the applicant for granting the benefit of BCR scheme, within a period of three months from the date of receipt of copy of this order. No costs.


(G. Shanthappa)

Judicial Member


(M.P. Singh)

Vice Chairman

"SA"

पूलांकल सं. जो/न्या..... जवलपुर. दि.....
चु. विधानसभा वारो. निवास, जवलपुर
(1) राज्यपाल विधायक सभा के काउन्सल S. Paul
(2) विधायक सभा के काउन्सल P. Shankar
(3) विधायक सभा के काउन्सल
(4) विधायक सभा के काउन्सल
शुद्धिका द्वारा आवश्यक संकायों के
उपर रजिस्ट्रर

Issued

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