

**22.05.2007**  
**OA 304/2006**

Present : Mr. C.B.Sharma, counsel for the applicant.  
 Miss Dil Shad Khan proxy counsel for  
 Mr. S.S.Hassan, counsel for the respondents.

Written statement as well as rejoinder thereto has been  
 filed. Thus Pleadings are complete. Let the matter be placed before  
 the Hon'ble Bench for admission/hearing on 31.05.2007.

(GURMIT SINGH)  
 DEPUTY REGISTRAR

akv

31/5/07

Mr C.B. Sharma counsel for applicant  
 Mr. S.S. Hassan Counsel for respondent

Heard. → The OA has been  
 disposed of by a separate order

(Taran Lal)  
 Administrative member

(Kuldip Singh)  
 Vice chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.304/2006.

Jaipur, this the 31<sup>st</sup> day of May, 2007.

**CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.  
Hon'ble Mr. Tarsem Lal, Administrative Member.**

Hans Raj Soni  
S/o Shri Jugal Kishore  
Aged about 61 years,  
R/o 3/200, NEB-Extension Near Transport Nagar,  
Alwar.

... Applicant.

By Advocate : C. B. Sharma.

Vs.

1. Union of India through  
Secretary to the Government of India,,  
Department of Post, Ministry of Communications  
And Information Technology,  
Dak Bhawan, New Delhi 110 001.
2. Chief Post Master General,  
Rajasthan Circle,  
Jaipur.
3. Senior Superintendent of Post Offices,  
Alwar Postal Division,  
Alwar.

... Respondents.

By Advocate : S. S. Hassan.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for  
the following reliefs :-

"(i) That the entire record relating to the matter  
may kindly be called for from the respondents and  
after perusing the same respondents may be directed  
to allow next higher scale of Rs.5000-8000 w.e.f.  
19.7.2005 to the applicant with due benefits of pay  
and allowances after due fixation with all  
consequential benefits.

(ii) That the respondents be further directed to  
release difference of pensionary benefits on revised



pay and allowances to the applicant with arrears thereon and also to revise pension of the applicant with all consequential benefits.

(iii) Any other order/direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. Briefly stated, the facts of the case are that the applicant was initially appointed as Gramin Dak Sevak in the year 1965 and promoted to the post of Group D in the year 1971 and thereafter on the post of Postman in the year 1978 and further promoted as Postal Assistant in clerical cadre on 19.7.1979. In the year 1983, respondents introduced One Time Bound Promotion scheme for placement to next higher grade after completion of 16 years of service and the applicant was given the benefits of the said scheme w.e.f. 19.7.1995. It is further submitted that in the year 1991 the respondents introduced Biennial Cadre Review scheme which is applicable to the employees who have completed their 26 years of service. Learned Counsel for the applicant contended that the applicant has completed 26 years of service on 19.7.2005 and stood retired on 30.9.2005. But he was denied the benefits of BCR scheme vide impugned order (Annexure A/1). Aggrieved from the order he has filed this OA.

3. The respondents while contesting the OA submitted that the applicant was eligible for the benefit of BCR scheme

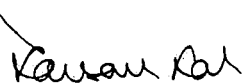
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w.e.f. 1.1.2006 but at that point of time, he was not in service as he has already been superannuated on 30.9.2005, so he could not be placed under BCR scale as per the scheme.

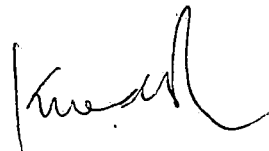
4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. At the outset, we may mention that the controversy involved in this case has already been settled by this very Bench in OA No.169/2005, Shiv Lahari vs. Union of India, decided on 28.8.2006 in which the Bench has also referred the case of Full Bench, Chandigarh of the Tribunal in the case of Piran Dutta and 25 others vs. UOI and ors. reported in 2005 (1) ATJ 430 wherein the Full Bench has held that the benefit under the Biennial Cadre Review Scheme has to be granted from the date one completes 26 years of satisfactory service. Accordingly, on the same set of lines, as was held in the case of Shiv Lahari (supra), we hereby allow this OA and direct the respondents to accord the benefit of higher pay scale under BCR to the applicant w.e.f. 19.7.2005 alongwith consequential benefits.

6. The OA stands disposed of accordingly with no order as to costs.



(TARSEM LAL)  
ADMINISTRATIVE MEMBER



(KULDIP SINGH)  
VICE CHAIRMAN