

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

26/3/2009

Mr. P. N. Tatti, Counsel for Applicant.
Mr. Kumar Gaurav, Proxxy counsel for
Mr. T. P. Sharma, Counsel for respondents.

Heard learned counsel for
the parties.

For the reasons dictated
separately, the order is allowed.



(B.L. Chambers)
M(A)

(M.L. Chambers)
M(T)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 26th day of March, 2009

ORIGINAL APPLICATION No. 76/2008

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. B.L.KHATRI, MEMBER (ADMV.)

R.P.Saini
s/o Shri Ram Dhan Saini,
r/o 23, Krishna Nagar-B,
80 Feet Road, Near Mahesh Nagar,
Jaipur, presently working as SA (BCR)
City Sorting Office,
Gandhi Nagar, Jaipur

.. Applicant
(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent, Railway Mail Service, Opp. Radio Station, M.I. Road, Jaipur

.. Respondents

(By Advocate: Shri Kumar Gaurav, proxy counsel for
Shri Tej Prakash Sharma)

O R D E R (ORAL)

The applicant has filed this OA against the order dated 27.2.2007 (Ann.A1) whereby the applicant was granted benefit of Biennial Cadre Review (BCR) Scheme

after completion of 26 years of service in the cadre of Sorting Assistant w.e.f. 1.1.2007 alongwith other persons. The grievance of the applicant is that he has completed 26 years of service on 1.11.2006 as such he is entitled to the benefit of BCR with effect from the date he completed 26 years of service instead of 1.1.2007. The applicant has also stated that he has filed representation but no reply has been given.

2. Notice of this application was given to the respondents. The stand taken by the respondents in this case is that as per Director General (Posts) New Delhi letter No.22-1/89 PE 1 dated 11.10.91 whereby the scheme of BCR was introduced w.e.f. 1.10.91, the officials who have completed 26 years of service between 1st January to 30th June of the year were to be placed to the next higher scale of pay w.e.f. 1st July and officials who have completed 26 years of service between 1st July to 31st December were to be placed to the next higher scale of pay w.e.f. 1st January of the next year. Accordingly, the benefit of higher pay scale was given to the applicant in terms of the aforesaid scheme. The respondents have further stated that the applicant has completed 26 years of service on 15.12.2006.

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

4. We are of the view that the matter on the point is no longer res-integra and the same is covered by the decision of the Full Bench, Chandigarh of the Tribunal in the case of Piran Dutta & 25 others vs. Union of India & Ors., reported in 2005 (1) ATJ 430. The question which was placed before the Full Bench was as follows:-

“Whether the benefits under BCR Scheme dated 11.10.91 are to be granted from the date one completes 26 years of satisfactory service.

OR

From the crucial dates of 1st January or 1sr July as the case may be, which is based on the Biennial Cadre Review of posts to be placed against such identified for upgradation from these crucial dates each year as per subsequent clarifications.”

The question was answered as follows:-

“The benefit under the Biennial Cadre Review Scheme dated 11.10.91 has to be granted from the date one completes 26 years of satisfactory service.”

6. Thus, in view of the decision rendered by the Full Bench in the case of Piran Dutta (supra), the benefit given under the Biennial Cadre Review Scheme has to be granted to the applicant when he has complete 26 years of service. At this stage, it may also be noticed that even the Hon'ble High Court of Judicature for Rajasthan, Jaipur Bench in DB Writ Petition No. 5574/2001 decided on 19.04.2005 has upheld the eligibility of the respondents therein to grant the benefit under Biennial Cadre Review Scheme from the date when the respondents therein have

completed 26 years of service. Thus, in the light of the decision rendered by the Full Bench, Chandigarh of the Tribunal in the case of Piran Dutta (supra) and also in view of the decision rendered by the Hon'ble High Court of Rajasthan, Jaipur Bench, we hold that the applicant is entitled to grant of higher pay scale under BCR scheme on completion of 26 years of service w.e.f. 16.12.2006 instead of 1.1.2007.

7. Accordingly, the respondents are directed to grant benefit to the applicant under the BCR scheme w.e.f. 16.12.2006 instead of 1.1.2007.

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


(B.L. KHATRI)

Administrative Member


(M.L. CHAUHAN)

Judicial Member

R/