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**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

21.10.2009

O.A. 222/2008

Present : None for the applicant.

Mr. Siyaram Chaudhary proxy counsel for
Mr. T.P. Sharma counsel for the respondent.

This case has been listed before Deputy Registrar due to
non-availability of the Division Bench. Let the matter be placed before
the Hon'ble Bench on 18/11/2009.


(Gurmit Singh)
Deputy Registrar

Vv

18/11/2009

Mr. P.W. Tatti, counsel for applicant

Mr. T.P. Sharma, counsel for respondent

Heard learned counsel for the
parties -

The OA stands & allowed, by a
separate order, for the reasons dictated
therein.


(R.L. Chauhan)
M(P)


(M.L. Chauhan)
M(P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 18th day of November, 2009

ORIGINAL APPLICATION NO. 222/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Radhey Shyam son of Shri Durga Prasad by caste Saraswat, aged about 64 years, resident of PL 7A, Deepak Colony, Barkat Nagar, Jaipur. Presently retired as 3A BCR from the office of the City sorting Office, Gandhi Nagar, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti))

VERSUS

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

.....RESPONDENTS

(By Advocate : Mr. T.P. Sharma)

ORDER (ORAL)

The grievance of the applicant in this OA is regarding not allowing him the benefit of BCR Scheme after completion of 26 years of service w.e.f. 02.07.2009 whereas such benefit has been extended to him w.e.f. 01.01.2000. The applicant has also made a representation dated 28.01.2008 (Annexure A/1) to the Chief Post Master General, Rajasthan Circle, Jaipur but no reply has been given to him till date.

40

2. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have stated that the applicant was granted next higher pay scale of Rs.1400-2300 under Time Bound One Promotion Scheme vide order dated 08.08.1989 after completion of 16 years of service and was further placed under higher pay scale of Rs.5000-8000 under BCR Scheme w.e.f. 01.01.2000 vide order dated 27.06.2000. According to the respondents, the applicant had completed 26 years of service on 04.07.1999. Therefore, he was promoted under the BCR Scheme under next higher grade w.e.f. 01.01.2000. Regarding the representation of the applicant dated 28.01.2008 addressed to the Chief Postmaster General, Rajasthan Circle, Jaipur, it is stated that the representation is under consideration at Circle office level.

3. We have heard the learned counsel for the parties and have gone through the material placed on record. We are of the view that the matter on this 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 & Others, 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 1st 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:-

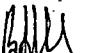
62

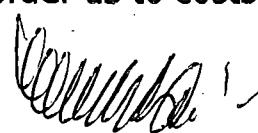
"The benefit was the Biennial Cadre Review Scheme dated 11.10.91 has to be granted from the date one completes 26 years of satisfactory service."

4. 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 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. 04.07.1999 instead of 01.01.2000.

5. Accordingly, the respondents are directed to grant benefit to the applicant under the BCR Scheme w.e.f. 04.07.1999 instead of 01.01.2000. Since there is delay on the part of the applicant to approach this Tribunal, as such, the said benefit shall be granted to the applicant notionally from the aforesaid date. However, the consequential benefits of higher pay scale shall be granted to the applicant from the date of submission of representation to the higher authorities, which according to the applicant is 28.01.2008.

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


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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