

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 15th September, 2008

ORIGINATION APPLICATION NO. 347/2008

CORAM:

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

Jamuna Lal son of Shri Mathura Lal by caste Raiger aged about 43 years, resident of Nakechal Road Bevli (Tonk). Presently working as SPM Hindoli (SABCR) District Bundi.

.....APPLICANT

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

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Post Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Post Master General, Sadan Region, Ajmer.
4. Superintendent Post Offices, Tonk Division, Tonk.

.....RESPONDENTS

By Advocate : -----

ORDER (ORAL)

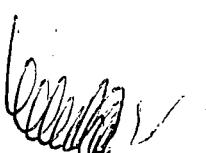
The grievance of the applicant in this case is that the respondents have given the benefit of BCR to the applicant w.e.f. 01.01.2008 vide impugned order dated 18.01.2008 (Annexure A/1) whereas the said benefit should have been given to the applicant from the date of completion of 26 years of service, which the applicant has completed on 23.10.2007. It is on the basis of these facts; the applicant has filed this OA thereby praying that instead of 01.01.2008, the applicant should be held entitled to pay scale of Rs.5000-8000/-

w.e.f. 23.10.2007. For that purpose the applicant has placed reliance on the decision rendered by this Tribunal as well as decision of Hon'ble High Court in 5574/2001 decided on 19.04.2005.

2. We have heard the learned counsel for the applicant at admission stage. Admittedly, the applicant has not filed any representation against the impugned order dated 18.01.2008 before the Appropriate Authority. We are of the view that it will be in the interest of justice if the direction is given to respondent no. 2 to decide the representation of the applicant in case the same is filed within a period of 15 days by passing a reasoned & speaking order. Accordingly the applicant is directed to make a representation to respondent no. 2, Chief Post Master General, Rajasthan Circle, Jaipur, within a period of 15 days from today, in that eventuality, respondent no. 2 shall dispose of the representation of the applicant within a period of six weeks from the date of receipt of the representation by passing a reasoned and speaking order taking into the account the decision rendered by this Tribunal as well as Hon'ble High Court wherein it has been consistently held that the benefit under the BCR shall be given to an employee after the completion of 26 years of service and not from 1st January or 1st July as was being done by the Department.

3. With these observations, the OA is disposed of at admission stage.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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