

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE BENCH

17th July, 2009

OA 421/2008

Present: Shri P.N. Jatti, counsel for applicant
Sh. V.S. Gurjar, counsel for respondents

Heard counsel for the parties.

For the reasons recorded separately the OA is disposed of.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 17th day of July, 2009

ORIGINAL APPLICATION No. 421/2008

CORAM:

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

Buddha Ram
s/o Shri Kana Ram,
aged about 54 years
r/o Quarter No.20,
Type-II, P&T Colony,
Civil Lines, Ajmer,
Presently working as
Group 'D' Jamadar in
Postal Store Depot, Ajmer.

.. 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. Post Master General, Eastern Region, Ajmer.
4. Superintendent, Postal Store Depot, Pancholi Chauraha, Ram Nagar, Kotra Road, Ajmer.

.. Respondents

(By Advocate: Shri V.S.Gurjar)

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O R D E R (ORAL)

The applicant has filed this OA against the order dated 9.5.2008 (Ann.A1) whereby the applicant was granted benefit of Biennial Cadre Review (BCR) Scheme after completion of 26 years of service w.e.f. 1.1.2002. The grievance of the applicant is that he has completed 26 years of service on 17.06.2001 but after adding the period of Die-non, he completed the period of 26 years on 14.7.2001, as such, he is entitled to the benefit of BCR with effect from the date he completed 26 years of service instead of 1.1.2002. The applicant has also stated that he has filed representation but the respondents have rejected his representation, hence he has filed this OA.

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

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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 15.07.2001.

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. 16.07.2001 instead of 1.1.2002.

7. Accordingly, the respondents are directed to grant benefit to the applicant under the BCR scheme w.e.f. 16.07.2001 instead of 1.1.2002. 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 5th May, 2008.

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


(B.L. KHATRI)

Administrative Member


(M.L. CHAUHAN)

Judicial Member

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