

CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 111/94 MISC. APPL. NO. (IN OA.
REVIEW APPLICATION NO. (IN O.A. NO.) CONT. APPL. (O.A.)

Seei L.C. Bhattacharya APPLICANT(S)
VERSUS
NOT RESPONDENT(S)
Mr. B.K. Sharma APPLICANT(S) ADVOCATE
Mr. P.K. Tiwari, Mr. B. Mehta
Mr. A.K. Choudhury Adl. RESPONDENT(S) ADVOCATE
C.G.S.C

OFFICE NOTE

DATE

COURT'S ORDER

This application is in
form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/BD No. 862629

Dated 16.5.94

Banma
13/6
By. Registrar (J)
Baw
7/6

14.6.94

Learned counsel Mr P.K.Tiwari sub-
mits to adjourn consideration of admission
Mr A.K.Choudhury could not come due to
personal difficulties.

Adjourned.

List on 22.6.1994 for consideration
of admission.

Vice-Chairman

Member

pg

22.6.94

Learned counsel Mr B.K.Sharma for
the applicant is present. Addl.C.G.S.C Mr A
Ghousdhury could not come due to personal
difficulty and Mr S.Ali prays for adjournment
on his behalf.

Adjourned.

List on 4.7.1994 for consideration
of admission.

Vice-Chairman

OFFICE NOTE

DATE

COURT'S ORDER

5.7.94

Learned counsel Mr B.K. Sharma moves this application under Section 1 of the Administrative Tribunals Act, 1985 on behalf of the applicant, Shri L.C. Bhattacharjee praying for direction on the respondents to promote the applicant pursuant to the policy decision issued under DOT No.27.4/87-TE-II(1) dated 16.10.1990 (Annexure-I) Perused statement of grievances and reliefs sought for in this application Mr Sharma submits that this case is covered by the decision dated 30.1.1991 of Ernakulam Bench in O.A.No.986/91 and judgment dated 17.9.1993 of Guwahati Bench in O.A.No.154/92.

Heard learned counsel Mr B.K. Sharma for the applicant and also heard learned Addl. C.G.S.C. Mr A.K. Choudhury on behalf of the respondents. This case is admitted and taken up for disposal.

The applicant is serving as Telegraph Master at Jorhat Central Telegraph Office and has completed twenty-six years of service in July 1992. He claims promotion to the next higher grade on the basis of the policy of the Biennial Cadre Review Scheme dated 16.10.1990 from the date he completed twenty-six years of service. His juniors were promoted and some of them were given retrospective benefit from the date they have completed twenty-six years of service, vide order No.TTES-1/12/BCR/92-93 dated 5.2.1993. The applicant was not promoted. He has submitted representation dated 25.2.1993 (Annexure-IV) claiming promotion under said scheme. He was informed vide letter No.E-10/OP/93-94 dated 27.5.1993 (Annexure-V) that his promotion was not

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considered due to pendency of vigilance case against him.

Mr B.K. Sharma submits that pendency of vigilance case was no bar for his promotion under the Biennial Cadre Review Scheme and refers to the above decisions of the Ernakulam Bench and Guwahati Bench in support of his submissions. It was held in those decisions that BCR pertains to the demand of Staff Union for granting on time bound promotion on completion of twenty six years of service in the basic cadre. This policy decision/scheme is uniformly applicable to concerned employees who are qualified for promotion on completion of twenty six years of service. It does not prescribe any bar to grant promotion under the scheme on account of pendency of disciplinary proceeding. We have relied on those decisions for deciding this case. We hold that pendency of vigilance case in respect of the applicant was not a bar for his promotion in February 1992 when his juniors were promoted to higher Grade with effect from the date on which he completed twenty six years of service. He had completed twenty six years of service in July 1992.

This application is allowed. The applicant is entitled to promotion to higher grade in terms of Biennial Cadre Review No.27.4/87-TE-II(1) dated 16.10.1990 with effect from the date he completed twenty six years of service, i.e. from July 1992 and with all consequential benefits.

D.A.No.111/94

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COUNCIL'S ORDER

5.7.94

The respondents are directed to promote the applicant pursuant to the BCR Scheme No.27.4/87-TE-II(1) dated 16.10.1993 within thirty days from the date of receipt of copy of this order.

Inform all concerned.

Vice-Chairman

Member

Copy of the order may be furnished to the counsel for the parties.

By Order:

nkm

25.7.94

Copy of order dtd.
5.7.94 issued to all
concerned by Regd.
Post and their
counsel also vide
D/No. 3104 - 3109
dtd. 26.7.94.