

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Thursday 28<sup>th</sup> day of March Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)  
THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

OA. 310/1807 of 2016

Mr. N. Selvan,  
Retired Postal Assistant,  
No.4/131, 5ht Cross,  
Vignesh Nagar, P. Kuttur Post,  
Trichirappalli- 620 019.

....Applicant

(By Advocate: M/s. S. Arun)

Versus

Union of India Rep. by  
The Senior Superintendent of Post Offices,  
Tiruchirapalli Division,  
Tiruchirapalli- 620 001.

...Respondent

(By Advocate: Mr. G. Dhamodaran)

**ORAL ORDER**

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. The applicant has filed this OA seeking the following reliefs:-

"to set aside Memo No. B1/BCR Dlgs dated 15.09.2016 issued by the Respondent and consequently direct the Respondent to grant and effect financial upgradation to him under BCR Scheme with effect from 06.06.2007 instead of 01.01.2008 and refix his pension accordingly with all attendant benefits including interest on arrears at the rate of 12% per annum till the date of payment."

2. It is submitted that the applicant was appointed as a Postal Assistant with effect from 06.06.1981. He was entitled to financial upgradations as per the then prevailing Time Bound One Promotion (TBOP) and Biennial Cadre Review (BCR) schemes at the end of 16 years of service and 26 years of service respectively. The applicant was granted his first financial upgradation on 20.06.1997 and the second financial upgradation under BCR on 1.1.2008. As the applicant had joined as Postal Assistant on 6.6.1981, he was entitled to the second financial up-gradation with effect from 6.6.2007. Accordingly, the applicant has filed this OA seeking the aforesaid relief.

3. Respondents have filed the reply contesting the claim of the applicant. It is stated that the due date for financial upgradation under BCR was 1<sup>st</sup> January or 1<sup>st</sup> July of the relevant year in which the eligibility is acquired. The applicant completed 26 years of qualifying service on 11.07.2007 after excluding 36 days of non qualifying service. As such, the date of completion



of 26 years of service fell after 1.7.2007 and accordingly, he had been granted the benefit of second financial upgradation under the BCR Scheme with effect from 1.1.2008. The respondents seek to rely on the scheme of BCR issued by Respondent No.1, Directorate's Order No. 22-1/89 PE 1 dated 11.01.1991.

4. Learned counsel for the applicant would submit that as per the 1991 scheme, second financial upgradation ought to have been granted from the date of completion of 26 years of service. The crucial dates of 1.7.1992, 1.1.1993 & 1.7.1993 mentioned in the OM were no-longer relevant for the years 2007-2008. In each BCR, the requisite number of posts had to be created by upgradation by the Head of Circles in consultation with the higher authorities. Accordingly, the respondents were expected to work out the number of posts to be created by upgradation under BCR in advance and, not wait for the relevant period to be over before upgrading the post.

5. Learned counsel for the applicant would rely on the order passed by the Ernakulam Bench of this Tribunal in O.A. 430/2009 dated 5.1.2010 in an identical case wherein the respondents were directed to include the name of the applicant therein for grant of BCR benefits with effect from 10.09.2007 and grant all consequential benefits.

6. Learned counsel for the respondents would, however, submit that Annexure R1 scheme did not provide for promotion from intermediate dates. As for the order of the Ernakulam Bench, he wished to seek instruction on whether the same could be applied to the applicant's case.

7. We have considered the matter and perused the order of the Ernakulam Bench in the aforesaid OA. We are of the view that since the dates on which various persons would be completing the requisite qualifying service of 16 and 26 years are known in advance, in the absence of any specific provision in the scheme that the upgradation shall necessarily be delayed till the first January or July next, as the case may be, the applicant has made out a claim for promotion with effect from the date he completed the requisite qualifying service of 26 years.

8. After careful perusal of the order of the Ernakulam Bench, we are satisfied that the case of the applicant is covered by the same. However, the applicant cannot be granted second financial upgradation with effect from 06.06.2007 as there appears to be a period of 36 days of non qualifying service due to which it is pointed out by the respondents that the applicant completed 26 years of qualifying service on 11.07.2007 only. Accordingly, the respondents are directed to grant the benefit of second financial upgradadaion to the applicant with effect from 11.07.2007 along with consequential benefits and pass necessary orders within a period of two months from the date of receipt of copy of this order.

9. OA is disposed of in the above terms. No costs.