

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00627 of 2017

Monday, this the 14th day of October, 2019

CORAM

**Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member**

1. Shri R.Anandakrishna Pillai,
S/o Late G.Ramakrishna Pillai,
Aged 68 years,
Retired Post Master,
Kayamkulam HO,
Department of Posts,
Residing at Puthazhathu Anupama,
Perungala P.O.,
Pin – 690 559.

2. Smt.S.Sujatha,
W/o Late N.Vijayan,
Aged 70 years,
Retired Sub Post Master,
Olakettiyampalam,
Department of Posts,
residing at Kaithvila House,
Koypallikaranma,
Olakettiyampalam P.O.,
Pin-690 510.

3. Smt.S.Sathiamma,
W/o Late N.Gopalakrishna Panicker,
Aged 68 years,
Retired Post Master,
Kayamkulam HO,
Department of Posts,
residing at Puthethu House,
Vettuveni, Harippad – 690 514.

4. Shri R.Viswanatha Kurup,
S/o Late N.Krishnan Nair,
Aged 70 years,
Retired Sub Post Master,
Pallickal, Department of Posts,
residing at Vazhuvelil House,
South Monkuzhy, Pullikanakku P.O.,
Pin – 690 537.

5. Smt.R.Remadevi Amma,
W/o S.Muraleedharan Pillai,
Aged 64 years,
Retired Post Master,
Kayamkulam HO,
Department of Posts,
residing at Kalppakasseril House,
Pattoli Market,
Puthiyavila P.O., Pin -690 531.

6. Shri R.R.Rajan,
S/o Late P.K.Raghavan,
Aged 62 years,
Retired Post Master,
Kayamkulam HO,
Department of Posts,
residing at Ushas,
Evoor South,
Keerikad – 690 508.

7. Shri P.R.Gopalakrishna Pillai,
S/o late N.K.Raghavan Pillai,
Aged 71 years,
Retired Sub Post Master,
Pallickal, Department of Posts,
residing at Mundappallil House,
South Puthupally, Puthupally P.O.,
Pin – 690 527.

8. Shri N.Divakaran,
S/o Late Madhavan,
Aged 67 years,
Retired Sub Post Master,
Pullikanakku,
Department of Posts,
residing at Divya Bhavanam,

Koypallikaranma,
Olakettiyampalam P.O.,
Pin – 690 510.

9. Smt.P.Saraswathi,
W/o Late T.Chellappan,
Aged 67 years,
Retired Sub Post Master,
Charumoodu,
Department of Posts,
residing at Mavilasseril Tharayil,
Kappil East, Krishnapuram P.O.,
Pin-690 533.
10. Smt.K.Ponnamma,
W/o N.Ravindran,
Aged 67 years,
Retired Sub Post Master,
Pallical MDG,
Department of Posts,
Residing at Smitha Bhavan,
Cheravally,
Kanyamkulam – 690 502.
11. Shri K.Chandra Sekhara Pillai,
S/o K.Ramakrishna Pillai,
Aged 68 years,
Retired Sub Post Master,
Thazhakara,
Department of Posts,
residing at Malayil Kizhakkathil,
Kallimel P.O.,
12. Smt. K.Lalitha,
W/o S.Sasikumar,
Aged 60 years,
Retired Post Master,
Mavelikkara H.P.O.,
Department of Posts,
residing at Sreeravam,
Vettuveni, Harippad-690 514.
13. Shri P.Vijayakumar,
S/o Pachu Nair,
Aged 64 years,

.4.

Retired Sub Post Master,
Pallickal,
Department of Posts,
residing at Vijaya Bhavanam,
Kaitha South,
Chettikulangra P.O.,
Pin 690 106.

14. Smt.B.Vijayamma,
W/o Late Sundaresan,
Aged 64 years,
Retired Sub Post Master,
Thrikunnazpuzha,
Department of Posts,
residing at Athira,
Vettuveni,
Harippad – 690 514.
- 15, Smt.R.Radhamony Amma,
W/o K.Appukuttan Nair,
Aged 71 years,
Retired Postal Assistant (BCR),
Kayamkulam,
Nedumparayil House,
Kappil East,
Krishnapuram -690 533.

....Applicants

(By Advocate Mr. V.Sajithkumar)

Versus

1. The Union of India,
represented by the Secretary to Government,
Department of Posts,
Government of India,
New Delhi – 110 001.
2. The Chief Postmaster,
Kerala Circle,
Trivandrum – 695 001
3. The Postal Master General,
Central Region ,
Kochi, Kerala – 682 020.

.5.

4. The Superintendent of Post Offices,
Mavelikara Postal Division,
Mavelikara -690 101. **Respondents**

(By Advocate, Shri N.Anil Kumar, SCGSC for Respondents)

This application having been heard on 3rd October, 2019, the Tribunal on 14th October, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.627/2017 is filed by Shri R.Anandakrishna Pillai and 14 others, who are retired employees of the Department of Posts, aggrieved by the delay on the part of the respondents to settle their request for Biennial Cadre Review (BCR) with effect from the date of entitlement. The request submitted by the Applicants-1, 2 and 3 had been rejected as seen at Annexure A1(a) and A1(b). They seek the following reliefs:

(i) To quash Annexure A1, Annexure A1(a) and Annexure A1(b).

(ii) To direct the Respondents to consider the Applicants for the purpose of BCR promotion with effect from the date on which they have completed 26 years of service reckoning training period and to grant them the grade promotion with effect from the date of entitlement and then to fix their pay as per the revised pay rules with all consequential benefits.

(iii) To direct the respondents refix the Pay and Pension of the Applicants by taking note of BCR promotion from the date of completion of 26 years of service reckoning training period and release them all consequential benefits including arrears of pay and pensionary benefits.

.6.

(iv) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant, and

(v) Grant the cost of this Original Application.

2. The applicants were granted BCR on completion of 26 years of service, only from the date of convening of DPC. The contention of the applicants is that they are entitled to BCR on completion of 26 years of service from the date of entry into service reckoning the period of training also. A copy of the BCR Scheme dated 11.10.1991 issued by the respondents is produced and marked as Annexure A3. Further instructions issued by the respondents on 05.05.2016 is produced as Annexure A4, directing to reckon training period also while calculating service benefit.

3. It is maintained by the applicants that promotions were not taking place in a regular manner as and when vacancies arose. The DPC met only twice in a year and if grant of BCR is to be considered, only from the date of DPC and it would be inordinately delayed. It is maintained by the applicants that this was what has happened in their case. These facts were repeatedly taken up with the respondents through representations but to no avail.

4. In the reply statement submitted by the respondents, it is stated that under BCR Scheme which came into effect from 01.10.1991, upgradation for all officials who had completed 26 years of satisfactory qualifying

.7.

service was to be implemented earmarking two crucial dates viz., 1st January and 1st July of the year. Thus, if the individual in question completes 26 years of service after 1st January in a particular year, he would be considered for grant of BCR in the committee meeting held in July-December period only. It is further stated that as directed by various Benches of this Tribunal, the financial upgradation under BCR Scheme on completion of 26 years of satisfactory qualifying service, was granted to all officials who had already retired from service and who could not get the benefit of upgradation under BCR while in service.

5. The respondents while admitting that no general instructions had been issued to grant financial upgradation under BCR Scheme from the date of completion of 26 years, submitted that they are duty bound to issue the orders on the lines and thus had issued Annexure A5 series. It is further stated that the instructions contained in Annexure A4, Directorate's letter dated 05.05.2016 stipulating that training period will also be taken into account while computing service for BCR, would also be complied with in the case of the applicants as well. It is stated that the applicants have been directed to submit evidence in support of their claim, particularly relating to the training period and as and when these details are obtained their case will be favourably considered.

6. We have heard Shri V.Sajithkumar, learned Counsel for the applicant

.8.

and Standing Counsel for the respondents. The demand pressed by the applicants had been found justified by various Benches of this Tribunal, as a consequence to which, orders at Annexure A5 series had come to be issued. Further, as regards the inclusion of the training period also, the orders of this Tribunal in OA No.520/2012 clearly stipulated that the training period also is to be included while reckoning the period of service of 26 years. In consequence to this instruction, Annexure A5 series had been issued.

7. Considering the averments made in the OA, as an undertaking that the respondents will be favourably considering their case based on the above principles, we direct the applicants to individually furnish all details of their service along with the period of training that they had undertaken. This shall be done within 30 days of receipt of a copy of this order. Upon receipt of these details, the respondents will revise the BCR benefits already granted to them and refix it to the date of entry into service which includes the training period as well. This shall be done within 60 days from the date the applicants furnish all details involved in the case as mentioned above. OA is disposed of. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

sd

List of Annexures in O.A. No.180/00627/2017

- 1.** Annexure A1 - True copy of the Memo No.ST/96-5/2016 dated 25/4/2017 issued by the 3rd Respondent to the 1st Applicant.
- 2.** Annexure A1(a) - True copy of the Memo No.St/96-5/2016 dated 25/4/2017 issued by the 3rd Respondent to the 2nd Applicant.
- 3.** Annexure A1(b) - True copy of the Memo No.St/96-5/2016 dated 25/4/2017 issued by the 3rd Respondent to the 3rd Applicant.
- 4.** Annexure A2 - True copy of the RTI reply lettr No.E/RTI/Dlgs dated 27/06/2017 issued by the 4th Respondent to the 1st Applicant.
- 5.** Annexure A3 - True copy of the BCR Scheme dated 11/10/1991 issued on the 1st Respondent.
- 6.** Annexure A4 - True copy of the instructions issued as per Order No.44-2/2011-SPB.II dated 05/05/2016 issued on behalf of the 1st Respondent.
- 7.** Annexure A5 - True copy of the order No.09-04/2014-PE-I, No.09-08/2014-PE-I dated 30/07/2014 issued on behalf of the 1st Respondent.
- 8.** Annexure A5(a) - True copy of the order No.09-08/2014-PE-I dated 20/10/2014 issued on behalf of the 1st Respondent.
- 9.** Annexure A5(b) - True copy of the order No.09-04/2015-PE-I dated 08/06/2015 issued on behalf of the 1st Respondent.
- 10.** Annexure A5(c) - True copy of the order No.09-05/2015-PE-I dated 15/10/2015 issued on behalf of the 1st Respondent.
- 11.** Annexure A6 - True copy of the Representation dated 22/12/2016 submitted by the 1st Applicant to the 2nd Respondent along with annexed document dated 27/4/2012.
- 12.** Annexure R1 - True copy of the order dated 04.09.2013 in O.A.No.520/2012.
