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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/01087 of 2017

Tuesday, this the 5th day of November, 2019

CORAM

Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

1. P.Rajankutty,
Retired Sub Postmaster, Kundara P.O.,
Residing at Surabhi, Karicode,
T.K.M, College P.O.,
Kollam.
2. K.Sarasan,
Retired Assistant Postmaster,
Kottarakkara HPO,
Residing at Pezhumvila Veedu,
Muttambalam, Pallikkal P.O.,
Kottarakkara – 691 566.
3. K.Radhamani,
Retired Sub Postmaster, Chandanathope P.O.,
Residing at Vaishanavam, Kallumthazham P.O.,
Kilikolloor, Kollam – 691 004.
4. P.Surendran,
Retired Deputy Postmaster, Kollam HPO,
Residing at Indrasailam,
Kottakkakam, Perinad P.O.,
Kollam – 691 601.
5. B.Umadevi Warriasiar Amma,
Retired Sub Postmaster, Puthoor P.O.,
Residing at Mulackal Warriam,
Karickal, Karimpinpuzha P.O.,
Puthoor, Kollam – 691 507.

6. N.K.Vijayan,
Retired Public Relations Inspector (Postal)
Kollam HPO,
Residing at Priya Nivas, Kallumthazham P.O.,
Kilikolloor, Kollam – 691 004.
7. P.Leeladevi,
Retired Sub Postmaster, Puthoor P.O.,
Residing at Poonthottathil Veedu,
Thazham, Karimpinpuzha P.O.,
Puthoor, Kollam – 691 513.
8. G.Sivaprasad,
Retired Postmaster, Karunagappaly HO.,
Residing at Divyanagar 65, Manichazhikom,
Pattathanam P.O., Kollam – 691 021.
9. K.Jayaprakash,
Retired Postmaster, Kollam HPO,
Residing at Prasanthi, Kannimel Nagar,
House No.40,
Kavanadu P.O., Kollam – 691 003.
10. K.Vijayalekshmi,
Retired Deputy Postmaster,
Kollam HPO,
Residing at Pallipurathu,
SKNRA 128-A, Jagathy,
Thycaud P.O.,
Thiruvananthapuram – 695 014.
11. B.Prasannakumari,
Retired Sub Postmaster, Kundara P.O.,
Residing at Priya Nivas, Kallumthazham P.O.,
Kilikolloor, Kollam – 691 004.
12. P.Suseela,
Retired Assistant Postmaster, Kollam HPO,
Residing at Hari Nivas, Near Gopikada Junction,
Maruthady, Kavanadu P.O., Kollam-691 003.
13. G.Mary Thomas,
Retired Sub Postmaster,
Thangassery P.O.,
Residing at Iynikkal House,

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No.19, Gandhiji road,
Chiyyaram, Trissur – 26.

14. K.Sasidharan,
Retired Sub Postmaster, Kanajaveli P.O.,
Kollam,
Residing at Thasni Manzil,
Panangadu,
Near St.Joseph Church,
Panalur P.O.,
Kollam – 691 305.

15. R.Aravindan,
Retired Sub Postmaster,
Perinad P.O. Kollam,
Residing at Sreepadmam,
West of KSEB, Murunthal,
Perinad P.O., Kollam – 691 601.

....Applicants

(By Advocate Mr.Vishnu S.Chempazhanthiyil)

Versus

1. The Senior Superintendent of Post Offices,
Kollam Postal Division,
Kollam – 691 005.
2. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram– 695 033
3. The Union of India,
represented by the Secretary
and Director General,
Department of Posts,
New Delhi – 110 001.

..... Respondents

(By Advocate, Shri V.A.Shaji, ACGSC for Respondents)

This application having been heard on 31st October, 2019, the Tribunal
on 5th November, 2019 delivered the following :

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ORDER

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

OA No.1087/2017 is filed by Shri P.Rajankutty and 14 others, who are retired employees of Department of Posts, aggrieved by the inaction on the part of the respondents to count induction training period for grant of financial upgradation under Time Bound One Promotion/Biennial Cadre Revision Scheme from the date of completion of 26 years of service. The applicants seek the following reliefs:

- i) Direct the respondents to grant BCR to the applicants w.e.f the date of completion of 26 years of service after taking into account training period of 3 months also and issue all consequential benefits including revision of pension at the earliest.
- ii) Direct the respondents to extend the benefit of Annexure A1 and A2 orders to the applicants immediately and grant BCR benefits w.e.f the date of completion of 26 years of service in the grade of Postal Assistant to the applicants.
- (iii) Direct the respondents to extend the benefit of Annexure A3 order to the applicants immediately.
- (iv) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice;
- (v) Award the cost of these proceedings to the applicant.

2. The applicants are granted BCR on completion of 26 years of service. The contention of the applicants is that they are entitled to BCR on completion of 26 years of service from the date of their induction training period. The Department of Posts vide communication dated 05.05.2016 (Annexure A3) extended the benefit of counting the period of induction

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training undertaken by the PA/SA prior to 01.01.1986, for the purpose of qualifying service under TBOP/BCR Scheme, as a one time measure.

3. The issue whether benefits of BCR Scheme are to be granted from the date of completion of 26 years of satisfactory service or from crucial dates of 1st January or 1st July was considered and decided by various Benches of this Tribunal (Annexure A1 & A2). All the fifteen applicants submitted representations claiming that they were entitled for the benefit of counting their induction training period as per Annexure A3. The copies of the representations are at Annexure A4 to A16. The applicants submit that the respondents have not taken action on the above representations and on enquiry they were intimated that orders of the Court will be applicable only to those who are parties to the litigation and will not be extended to non-parties. However, though the order on the issue of counting of induction training period was issued by the department themselves, no action was being taken to extend the benefit to others similarly placed. The stand of the respondents that the benefit of the judgment would be applicable only to the parties is illegal and arbitrary, when there is a declaration of law that the benefits should automatically flow to similarly situated persons, as has been held by the Hon'ble Apex Court – **AIR 1975 SC 538**. As grounds, the applicants have reiterated the contentions raised above.

4. The respondents have filed their reply statement denying the

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averments and allegations made by the applicants. They submit that the OA is barred by limitation since the cause of grievance of the applicants pertain to various dates from 1992 to 2000. They further submit that the OA has been filed without waiting for a reasonable time after submission of representations and prays that the OA may be disposed of with directions to the respondents to consider the representations in accordance with the extant rules and guidelines.

5. The Department decided to extend the benefit of counting the induction training period for grant of financial upgradation under TBOP/BCR to direct recruits who underwent training prior to 01.01.1986, as a one time measure. However, when it was found that there was no entry regarding induction training period in the Service Books of many pensioners who submitted representation seeking the benefit of Annexure A3, the issue was taken up with the 2nd Respondent. The 2nd Respondent clarified that the benefit of counting of induction training period prior to 01.01.1986 for grant of financial upgradation under TBOP/BCR Scheme cannot be processed if there is no entry in the Service Book or if the relevant documents are not produced (Annexure R2). The respondents submit that there are no entries regarding the induction training period available in the Service Books of the applicants. It is further submitted that before they could process the representations, the applicants have filed the OA.

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6. Heard Shri Vishnu S. Chempazhanthiyil on behalf of the applicants and Shri V.A.Shaji, ACGSC on behalf of the respondents. The demand pressed by the applicants had been found justified by various Benches of this Tribunal. As regards the inclusion of the training period, the orders of this Tribunal in OA No.520/2012 also clearly stipulated that the training period also is to be included while reckoning the period of service of 26 years.

7. Considering the averments made in the OA, we direct the applicants to individually furnish all details of their service along with their training period that they had undertaken. This shall be done within 30 days of receipt of a copy of this order. Upon receipt of these details, after due verification 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

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List of Annexures in O.A. No.180/001087/2017

1. Annexure A1 - True copy of judgment dated 5.1.2010 in O.A.No.430/2009 of this Hon'ble Tribunal.
2. Annexure A2 - True copy of judgment dated 13.03.2008 in O.A.No.148/2006 of the Hon'ble Central Administrative Tribunal, Hyderabad Bench.
3. Annexure A3 - True copy of communication No.44-2/2011-SPB.II dated 05.05.2016 by the 3rd respondent.
4. Annexure A4 - True copy of the representation dated 03.11.2017 of the 1st applicant to the 1st respondent.
5. Annexure A4(a) - True copy of the representation dated 03.11.2017 of the 1st applicant to the 1st respondent.
6. Annexure A5 - True copy of the representation dated 31.10.2017 of the 1st applicant to the 1st respondent.
7. Annexure A5(a) - True copy of the representation dated 31.10.2017 of the 2nd applicant to the 1st respondent.
8. Annexure A6 - True copy of the representation dated 13.11.2017 of the 3rd applicant to the 1st respondent.
9. Annexure A6(a) - True copy of the representation dated 13.11.2017 of the 3rd applicant to the 1st respondent.
10. Annexure A7 - True copy of the representation dated 31.10.2017 of the 4th applicant to the 1st respondent.
11. Annexure A7(a) - True copy of the Representation dated 31.10.2017 of the 4th applicant to the 1st respondent.
12. Annexure A8 - True copy of the representation dated 09.11.2017 of the 5th applicant to the 1st respondent.
13. Annexure A8(a) - True copy of the representation dated 09.11.2017 of the 5th applicant to the 1st respondent.
14. Annexure A9 - True copy of the representation dated 30.10.2017 of the 6th applicant to the 1st respondent.

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15. Annexure A9 (a) - True copy of the representation dated 30.10.2017 of the 6th applicant to the 1st respondent.
16. Annexure A10- True copy of the representation dated 10.11.2017 of the 7th applicant to the 1st respondent.
17. Annexure A10(a)- True copy of the representation dated 10.11.2017 of the 7th applicant to the 1st respondent.
18. Annexure A11- True copy of the representation dated 17.02.2017 of the 8th applicant to the 1st respondent.
19. Annexure A11(a)- True copy of the representation dated 31.12.2017 of the 8th applicant to the 1st respondent.
20. Annexure A12- True copy of the representation dated 07.11.2017 of the 9th applicant to the 1st respondent.
21. Annexure A12(a)- True copy of the representation dated 07.11.2017 of the 9th applicant to the 1st respondent.
22. Annexure A13- True copy of the representation dated 09.12.2017 of the 10th applicant to the 1st respondent.
23. Annexure A13(a)- True copy of the representation dated 09.12.2017 of the 10th applicant to the 1st respondent.
24. Annexure A14- True copy of the representation dated 30.10.2017 of the 11th applicant to the 1st respondent.
25. Annexure A14(a)- True copy of the representation dated 30.10.2017 of the 11th applicant to the 1st respondent.
26. Annexure A15- True copy of the representation dated 02.11.2017 of the 12th applicant to the 1st respondent.
27. Annexure A15(a)- True copy of the representation dated 02.11.2017 of the 12th applicant to the 1st respondent.
28. Annexure A16 - True copy of the representation dated 11.12.2017 of the 13th applicant to the 1st respondent.
29. Annexure A16(a) - True copy of the representation dated 11.12.2017 of the 13th applicant to the 1st respondent.

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30. Annexure R1 - True copy of the letter No.22-1/89-PE.I dated 11.10.1991.

31. Annexure R2 - True copy of letter No.ST/8-3/2016 dated 29.08.2017.

32. Annexure R3 - True copy of the service particulars of the applicants in a tabulated form.
