

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH, AHMEDABAD

O.A. No. 73/2020 with MA No.80/2020

Dated this the 14th day of February, 2020

CORAM:

Hon'ble SH.M.C.Verma, Member (J)

Bhavesh Shantilal Vaidya,
S/o Shantilal,
Aged 56 years,
Res. C-148, Surya Darshan Township
Vishwamitri Railway Crossing,
Manjalpur, Vadodara – 390 011

..... Applicant

(By Advocate : Shri Joy Mathew)

VERSUS

1. Union of India
Notice to be served through
The Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
(Staff Section)
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General,
Vadodara Region,
Vadodara – 390 002.

..... Respondents

(By Advocate : Ms.R.R.Patel)

ORDER (ORAL)

Per : Hon'ble Shri M.C.Verma, Judicial Member

1. Being aggrieved by inaction on the part of the respondents not to count his service rendered as RTP in extending benefits of regular service period, seniority, and promotion etc. applicant has filed present OA along with MA No.80/2020 for condonation of delay. In MA No.80/2020 the applicant has mentioned the reasons why he could not agitate the matter earlier.

2. The matter is at motion hearing stage. Heard. Learned counsel Shri Joy Mathew Advocate while pressing the OA urged that respondent illegally has not included the period of service rendered as RTP in period of qualifying service and for extending benefits for seniority, promotion etc. Pressing the OA and urging that period of service as RTP ought to have been counted for qualifying service and benefit of that period has also to be extended, learned counsel urged that such benefit was extended to some other employees. He to fortify his submission placed reliance on decisions: (i) Dated 10.03.2017 in case titled *UOI and Ors. Vs. V.Ravi Krishna and Ors* passed by Hon'ble High Court of State of Telangana & State of A. P. in WPMP No. 21403 of 2016 and in WP No. 17400/2016, (ii) Dated 28.03.2019 by Madras Bench of this Tribunal passed in case titled *Murugesan & Ors*

Vs. UOI and Ors. in MA No. 708/2018 in OA No. 1734/2018, (iii) Dated 31.08.2010 by Bombay Bench Camp Nagpur of this Tribunal passed in case titled *Sanjay Sumantrao Sathe & Ors Vs. UOI and Ors.* in OA No727/ 1996 & batch and (iv) Dated 16.12.1986 by Jabalpur Bench of this Tribunal passed in case titled *All India Postal Employees Union Vs. UOI & Ors* in TA No. 82/1986 and concluded that at this stage applicant would be satisfied, if Respondent Authorities are directed to take decision and dispose of the representation, dated (15.10.2009) 27.08.2018 (Annexure A-9A) of the applicant within stipulated time frame, with liberty to applicant to agitate the matter, in case the outcome of said representation does not come in favour of the applicant.

3. Considered the submissions and perused the record. The brief fact of applicant's case as has been pleaded in the OA are that he was selected as Postal Assistant, under Reserved Training Pool, in the year 1982, was sent for induction training of 2 ½ months, vide order dated 03/02/1983 and on completion of this training was sent for practical training of 15 days and after practical training was regularly engaged by the Department on one post or another in this or that office, as Reserved Training Pool and he was paid accordingly. That finally with the intervention of Court, this

practice to induct as Reserved Training Pool was abandoned by the Department. However, the services of applicant and other similarly situated Postal Assistant under RTP remained uninterrupted, they continued to work as RTP and on 13.2.1989 the Chief Postmaster General offered the post of LDC to the applicant and to other similar situated persons.

4. It has been pleaded further that on 29.10.1999 applicant was granted benefit of TBOP, w.e.f 22.10.1999. On 03.8.2000 the Directorate issued letter informing the Circles that the period of induction training will also be counted for the benefit of TBOP/BCR. That applicant made representation, dated 18.11.16, requesting the respondents to count the service rendered in RTP PA as qualifying service but it was not considered and decided. The third MACP w.e.f. 17.06.2019 was granted to applicant and on 27.8.2019 he made representation to CPMG, Ahmedabad, requesting regularization and counting of his service from 1982 and releasing him all the benefits he has rendered as Postal Assistant - Reserved Training Pool. He also sent reminders vide dated July 2018 & 27.08.2019 (Annexure A-29 & A-10 of the OA.) but no decision on his representation has yet been taken and hence is this OA.

5. Taking note of entirety, Respondent Authorities are directed to consider and take decision on representation dated 27.08.2019 (Annexure

A-9A) of the applicant expeditiously but in any case, within two months from the date of receipt of this order.

6. With above said directions, the OA stands disposed of. MA No.80/2020 also stand disposed of accordingly. Pending MA, being not survived also stand disposed of.

(M.C.Verma)
Member (J)

SKV