

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.524/2019 with MA No.516/2019

OA No.526/2019 with MA No.518/2019

OA No.527/2019 with MA No.519/2019

OA No.528/2019 with MA No.520/2019

and

OA No.529/2019 with MA No.521/2019

Dated this the 03rd day of January 2020

CORAM:

Hon'ble Shri M.C.Verma Member (Judicial)

OA No.524/2019

Jeshingbhai Dulabhai Vankar,
Son of Dulabhai Vankar,
Aged 65 years,
Occupation:Retired employee,
Res.500/501/41,
Khodiar Matani Chal,
Nr.Narsingh Nagar Society,
Juna Vadaj, Ahmedabad – 382 013.

Applicant

(By Advocate : Shri Joy Mathew)

Vs.

1. The Union of India,
Notice through the Secretary,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General, Gujarat Circle,
Khanpur,
Ahmedabad – 380 001.

3. The Director Postal Services (HQ),
Office of the Chief Postmaster General,
Gujarat Circle,
Khanpur,
Ahmedabad– 380 001. ..Respondents

OA No.526/2019

Manilal Parmar,
Son of Karsanbhai Parmar,
Aged 69 years,
Occupation:Retired employee,
A/57, Suryan Hope Town,
Behind Satyameva Hospital,
Chandkheda,
Ahmedabad - 382 424. Applicant

(By Advocate : Shri Joy Mathew)

Vs.

1. The Union of India,
Notice through the Secretary,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi – 110 001.

2. The Chief Postmaster General, Gujarat Circle,
Khanpur,
Ahmedabad – 380 001.

3. The Director Postal Services (HQ),
Office of the Chief Postmaster General,
Gujarat Circle,
Khanpur,
Ahmedabad–380 001 ..Respondents

OA No.527/2019

Motilal H.Patanwala,
Son of Hemchandra Patanwala,
Aged 68 years,
Occupation: Retired employee,
36, Samarth Duplex Row House,
Palika Road,
Chandkhedagaon, Chandkheda,
Ahmedabad 382 424.

Applicant

(By Advocate : Shri Joy Mathew)

Vs.

1. The Union of India,
Notice through the Secretary,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General, Gujarat Circle,
Khanpur,
Ahmedabad – 380 001.
3. The Director Postal Services (HQ),
Office of the Chief Postmaster General,
Gujarat Circle,
Khanpur,
Ahmedabad– 380 001

..Respondents

OA No.528/2019

Ramjibhai Rathod,
Son of Lagarbhai Rathod,
Aged 69 years,
Occupation:Retired employee,
4/44, Janatanagar,
Opp. Vivekanand School,

Amraiwadi,
Ahmedabad 380 026.

Applicant

(By Advocate : Shri Joy Mathew)

Vs.

1. The Union of India,
Notice through the Secretary,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General, Gujarat Circle,
Khanpur,
Ahmedabad – 380 001.
3. The Director Postal Services (HQ),
Office of the Chief Postmaster General,
Gujarat Circle,
Khanpur,
Ahmedabad– 380 001.

..Respondents

OA No.529/2019

Parmar Mahendrakumar Khusalbhai,
Son of Khusalbhai Parmar,
Aged 64 years,
Occupation:Retired employee,
Res.E/205, Achal Dream House,
Opp.Abhay Tenament,
B/h Visat Mata Temple,
Chandkheda, Ahmedabad 382 424.

Applicant

(By Advocate : Shri Joy Mathew)

Vs.

1. The Union of India,
Notice through the Secretary,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General, Gujarat Circle,
Khanpur,
Ahmedabad – 380 001.
3. The Director Postal Services (HQ),
Office of the Chief Postmaster General,
Gujarat Circle,
Khanpur,
Ahmedabad – 380 001

..Respondents

COMMON ORDER (ORAL)

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

1. All above noted five OAs are at the stage of motion hearing, applicant in all OAs is represented by same counsel and the grievance of the applicants is that treating the post of Postal Assistant as promotional post, they were denied the benefits of their due MACP. Learned counsel, Shri Joy Mathew, who is appearing for applicant of all said OAs fairly submits that no applicant of this batch of OA personally has preferred representation to the respondents for redressal of his grievance, however, one Shri K.B.Solanki, a similarly situated employee, did prefer representation long ago and his representation was dismissed

by respondents. He also submits that recently in batch matters of 52 OAs (***leading matter is OA No. 93/2019 in case of Natvarbhai S. Makwana v/s. Union of India***), this Bench of the Tribunal has passed final Order on 17.09.2019 and had held that post of Postal Assistant is not a promotional post for the post of Postman and while holding so directed the respondents to place the claim of applicants of said 52 OAs before Review Screening Committee for examination afresh, treating the date of entry into the cadre/ grade of the post of Postal Assistant to release necessary financial up gradation.

2. Learned counsel submits further that in view of the changed circumstances, particularly after decision of this Tribunal in OA No.93/2019 and batch applicants of these six OAs now wants to prefer the representation before the respondents department claiming parity with applicants of above said batch matter of 52 OAs, and reserving liberty to agitate the matter in case the final outcome of the decision on their representation comes against them, wants to withdraw their respective OA at this stage. He also submits that applicant would prefer the representation within two weeks from today and he made requests to allow the withdrawal of OA with direction to respondent to take

decision on their representation within a month or within a time as this Tribunal deem fit and proper to fix.

3. Ms.R.R.Patel, Advocate who has appeared for respondents in batch matters of above 52 OAs(***(leading matter is OA No. 93/2019 in case of Natvarbhai S. Makwana v/s. Union of India)***), and in some similar matters like the present one, which came later on and is present in court and at this stage she joined the proceedings and submits that she is waiving the notice, appearing for respondents submits that when applicant wants to withdraw the OA, she is having no objection and added that Division Bench of this Tribunal vide Order dated 17.9.2019 passed in batch of 52 OA, with lead case OA No.93/2019 has held the post of Postal Assistant as not a promotional post for the post of Postman but respondents intent to prefer Writ Petition to challenge the said decision though till yet no such writ petition has been preferred and that when Order dated 17.9.2019, passed in OA No.355/2018 & batch would attain finality case of these applicants, if is similarly situated would be considered on same line.

4. Considered the submission. Taking note of submissions made at Bar withdrawal of all these five OAs is allowed, with liberty to applicant of each said OA to prefer representation, if he wishes so, and if he prefers

representation within two weeks, as has been prayed above, the respondents shall consider the same and to pass a order as per the decision in OA No.93/2019, if it is not challenged and attains finality in its present form or if it is challenged, as per observation/ finding qua the issue "*whether the post of Postal Assistant is a promotional post or not for the post of Postman*" set at rest in SCA/ Writ/ SLP arising from decision in OA No.93/2019, as the case may be within a period of six weeks from the date of decision in OA No.93/2019 attains finality. Needless to say, whatever decision so taken shall be communicated to the applicant and in case the final outcome of decision by respondents comes against the applicants, they, if wish or is advised so, may file fresh OA or the MA for getting revived the present OAs. The withdrawal allowed today would not affect the fate of such OA or of MA, if is filed and same may be dealt with as per its own merits.

5. In result, all these five OAs, with ibid stated observation and direction, stand disposed of as withdrawn. Pending MA, of each OA also stand disposed of.

(M.C.Verma)
Member (J)