

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

**OA No.438/2019 with MA No.455/2019,
OA No.439/2019 with MA No.454/2019,
OA No.440/2019 with MA No.453/2019,
OA No.441/2019 with MA No.452/2019,
OA No.442/2019 with MA No.451/2019,
OA No.443/2019 with MA No.450/2019,
OA No.444/2019,
OA No.445/2019 with MA No.449/2019,
OA No.446/2019 with MA No.456/2019
And
OA No.447/2019 with MA No.457/2019**

This the 10th day of January, 2020

OA No.438/2019

Shri Sattarbhai Gulambhai Vahora
DOB : 27.10.1960, Age : 59 years
Son of Shri Gulambhai Chandbhai Vahora
Postal Assistant
Mahemdavad Sub Post Office - 387 130, Kheda.
Residing at : 55, Ashiyana Park
Mahemdavad – 387 130.
District : Kheda Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General
Vadodara Region, Vadoara 390 002.
4. The Director Postal Services
Office of the Postmaster General
Vadodara Region, Vadoara 390 002.

5. Sr. Supdt. of Post Office
Kheda Division
Nadiad – 387 001. **Respondents**
(By Advocate : Ms. R.R.Patel)

OA No.439/2019

Shri Kishanlal Rupram Kosti
DOB : 08.08.1961, Age : 58 years
Son of Shri Rupram Dulichand Kosti
Postal Assistant
Ahmedabad GPO, Ahmedabad 380 001.
Residing at : B-2, Ratandeep Society
Smurti Mandir Road, Nr. Nigam Society
Vatva, Ahmedabad- 382 445. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General
Ahmedabad H.Q. Region
Speed Post Bhavan, Shahibaug, Ahmedabad 380 004.
4. Chief Postmaster
Ahmedabad GPO,
Ahmedabad 380 001. **Respondents**

OA No. 440/2019

Shri Janak Chandulal Modi
DOB : 10.07.1960, Age : 59 years
Son of Shri Chandulal Shakrabhai Modi
L.S.G. Supervisor, Ahmedabad GPO,
Ahmedabad 380 001.
Residing at : B-4, Shivalika Society No.1
B/h. Kabir Enclave, Bopal-Guma Road,
Ahmedabad 380 058. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General
Ahmedabad H.Q. Region
Speed Post Bhavan, Shahibaug, Ahmedabad 380 004.
4. Chief Postmaster
Ahmedabad GPO,
Ahmedabad 380 001.....**Respondents**

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

OA No.441/2019

Shri Krushnakant Shambhuprasad Mehta
DOB : 26.02.1950, Age : 69 years
Son of Shri Shambhuprasad Maneklal Mehta
Postal Assistant (Rtd.)
O/o. the Chief Postmaster General
Gujarat Circle, Khanpur, Ahmedabad 380 001.
Residing at : A-1, Chitrakut Appartment Part-2
Nr. Rajpath Row House, Bodakdev,
Ahmedabad 380 015. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
 2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.**Respondents**
- (By Advocate : Ms. R.R.Patel)

OA No. 442/2019

Shri Pravinbhai Lilachand Nayee

OA/438-439-440-441-442-443-444-445-446-447-2019
CAT, Ahmedabad Bench

DOB : 01.06.1959, Age : 61 years
Son of Shri Lilachand Maganlal Nayee
Postal Assistant (Rtd.)
Ahmedabad GPO, Ahmedabad 380 001.
Residing at : F-204, Sidhachal Appartments
Opp. Visat Petrol Pump
Sabarmati, Ahmedabad- 380 005. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General
Ahmedabad H.Q. Region
Speed Post Bhavan, Shahibaug, Ahmedabad 380 004.
4. Chief Postmaster
Ahmedabad GPO,
Ahmedabad 380 001. **Respondents**

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

OA No/ 443/2019

Shri Amrutlal Fulchand Datania
DOB : 08.02.1955, Age : 65 years
Son of Shri Fulchand Nanjibhai Datania
Postal Assistant (Rtd.)
O/o. the Chief Postmaster General
Gujarat Cirlce, Khanpur, Ahmedabad 380 001.

Residing at : E-2/19, Vishram Park,
Nr. Bhavsar Hostel, Nava Vadaj,
Ahmedabad 380 013. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through

The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.

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

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

OA No. 444/2019

Shri Bharkatkar Ambalal Tiwari
DOB : 01.06.1958, Age : 62 years
Son of Shri Ambalal Shivnarayan Tiwari
Postal Assistant (Rtd.)
Return Letter Office, Ahmedabad 380 001.

Residing at : E-102, Mansi Appartment,
B/h. Galaxay Cinema, Naroda,
Ahmedabad 382 330. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. Manager,
RLO, Ahmedabad GPO Compound
Ahmedabad 380 001. **Respondents**

(By Advocate : Ms. R.R.Patel for Respondent Nos.1 & 2)

OA No. 445/2019

Shri Ramabhai Maganbhai Patni
DOB : 10.02.1954, Age : 65 years
Son of Shri Maganbhai Fuljibhai Patni
Postal Assistant (Rtd.)
O/o. the Chief Postmaster General
Gujarat Circle, Khanpur, Ahmedabad 380 001.

Residing at : 18, Amrutlal Keshalala Chawl
Asarwa, Chamanpura,
Ahmedabad 380 016. Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001. **Respondents**

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

OA No.446/2019

Shri Maheshbhai Kachrabhai Maheriya
DOB : 01.06.1960, Age : 59 years
Son of Shri Kachrabhai Sadabhai Maheria
Postal Assistant
Ahmedabad GPO, Ahmedabad 380 001.

Residing at : 87, Chuvalnagar - 3
Bhargav Road, Ahmedabad- 382 240..... Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General
Ahmedabad H.Q. Region
Speed Post Bhavan, Shahibaug, Ahmedabad 380 004.
4. Chief Postmaster

Ahmedabad GPO,
Ahmedabad 380 001. **Respondents**
(By Advocate : Ms. R.R.Patel)

OA No. 447/2019.

Shri Mohanbhai Babarbhai Vankar
DOB : 01.08.1951, Age : 68 years
Son of Shri Babarbhai Punjabhai Vankar
Section Supervisor (Rtd.)
O/o. the Chief Postmaster General
Gujarat Circle, (PLI Section) Ahmedabad 380 004.

Residing at : 29/4, Shivam Flats
HUDCO, Bapunagar,
Ahmedabad 380 024... Applicant.

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dakbhan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001. **Respondents**

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

ORDER – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Learned counsel, Shri A.D.Vankar appearing for applicant
of submits all these ten OA submits that notice in these OA has
been issued but no reply, in any OA has been filed yet. That
these OA may be disposed of at this stage. He request to club all
these ten OA and to give hearing. Ms. R.R.Patel, learned counsel

for respondents submits that barring in OA No.445 & 447 of 2019 she has filed her Appearance Memo in all other OA, she requests to allow her to put her Appearance Memo in OA No.445 & 447 of 2019 also. Acceding her requests all the ten original applications were heard together.

2. Learned counsel, Shri A.D.Vankar submits that the grievance of the applicants in these ten applications is that treating the post of Postal Assistant as promotional post, they were denied the benefits of their due MACP. That Division Bench of this Tribunal, vide Order dated 17.9.2019, passed in OA No.93/2019 & batch has held that the post of Postal Assistant is not a promotional post for the post of Postman and that thereafter, vide Order dated 03.12.2019 passed in other batch of six OA (lead case OA No.355/2018), involving same issue and in which pleadings were complete allowed the applicants of those OA to withdraw the OA with liberty to the applicants and direction to the respondents. He referred the decision dated 03.12.2019 passed in OA No.355/2018 & batch and urged to grant same liberty & direction to the applicants & respondents in this batch of ten OA and to allow the applicant withdraw the OA.

3. Learned counsel Ms. R.R.Patel, 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 ten OAs is allowed, with liberty to applicant of each said OA to prefer representation, as has been prayed above, and with direction to respondents that in case applicants did prefer the representation, within two week, the respondents shall consider the same and to pass a fresh 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. Said exercise of passing pass fresh order on the representation of applicants of this set of ten

OA shall be completed simultaneously with the case of applicant of OA No. 93/2019 & batch.

5. Needless to say that order so passed on their representation shall be communicated to the applicants and in case the final outcome of decision by respondent 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.

6. In result all these ten OA, 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)

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