

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00295/2019

DATED THIS THE 17TH DAY OF DECEMBER, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Sunil Kumar V.,
S/o Shri G. Venkatesh,
Aged 33 years, working as
Sub-Postmaster, Barandur SO,
Shimoga Division 577 245,
Residing at A-125,
Maruthi Nilaya,
6th Cross, G.G. Extension,
Shimoga 577 205

.....Applicant

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India,
By Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi 110 001

2. The Assistant Director General (DE),
Dak Bhavan Sansad Marg,
New Delhi 110 001

3. The Chief Postmaster General,
Karnataka Circle,
Bengaluru 560 001

....Respondents

(By Shri N. Amaresh, Counsel for the Respondents)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J))

This matter seems to be covered by two of our own orders which is based on the decision of the Hon'ble High Court of Delhi in WP (C) No. 3591/2016 and other related matters. We quote from our order in OA No. 719 & 720/2017 dated 14.08.2018:

"O R D E R (ORAL)
HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. Apparently, we had passed an order which was confirmed by the Hon'ble High Court of Karnataka. A similar matrix was agitated before the Principal Bench, in which the Principal Bench had passed an opposing order citing an error which has crept in relation to Recruitment Rules. This was taken up to the High Court by the department and the Delhi High Court said in W.P(C) 3591/2016 in Satish Kumar Meena vs. Union of India that there is in fact an error in assuming that there were no Recruitment Rules relating to the issue. That being so, the Delhi High Court had held that in same position as the applicants herein, are eligible to the benefits. It appears that vide Annexure A-17 dated 09.08.2017, the department has accepted the decision and implemented the order. Therefore, granting parimateria benefits to people of like status as the applicants herein, even though we had held in our order that they may not be eligible on the ground that this is a policy matter, we do not want to interfere, in which the High Court also had confirmed our stand that this being a policy matter, therefore the Tribunal is correct. Now the question is that the policy matter has been resolved by the respondents themselves, as they have constructively implemented the order of Delhi High Court. As applicants are also in the same situation, they will also be eligible.

2. At this point of time it is pointed that in para 5 of their order, Annexure A-17, it is stipulated that the directions of the Delhi High Court is specific to this case and will not be applicable to any other case. This is quite an absurd contention. There cannot be any such policy which is applicable to one person and will not be applicable to any other persons. Therefore, this portion of Annexure A-17 is rejected. If it is implemented, then it is equally, universally and certainly applicable to applicants as well. 3. OA allowed. The benefits to be made available within 3 months. No costs."

2. It is also covered by our recent order in OA No. 179/2019 dated 15.11.2019, which we quote:

“ORDER (ORAL)
HON’BLE SHRI C V SANKAR, MEMBER (A)

The learned counsel for the respondents submits a Memo No. STA/7-2/42/IP of the Chief Postmaster General, Karnataka Circle, Bengaluru dated 09.10.2019, where the applicant is promoted as Inspector of Posts, based on the 2011 examination and therefore the prayer in the OA has been accepted and orders issued. OA is disposed of as above with liberty. No order as to costs.”

3. Therefore the matter seems to be covered and concretised as this has been already implemented all over India as a matter of principle.
4. On the ground of equity and equality guaranteed under Article 14 of the Constitution of India, we allow this OA and hold that applicant is allowed to his choice as he requested at the earliest point possible. It may be done within the next two months.
5. The OA is allowed. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

Annexures referred to by the applicant in OA No. 170/00295/2019

Annexure A1 Copy of the circular dated 22.11.2010
Annexure A2 Copy of the order dated 25.11.2010
Annexure A3 Copy of the circular dated 08.02.2011
Annexure A4 Copy of the memo dated 28.12.2011
Annexure A5 Copy of the order dated 22.02.2012
Annexure A6 Copy of the notification dated 04.04.2012
Annexure A7 Copy of the marks list of IPO examinees 2011
Annexure A8 Copy of the select list of IPOs 2011
Annexure A9 Copy of the order dated 19.03.2014 in OA No. 203 of 2012
Annexure A10 Copy of the notification dated 08.01.2013
Annexure A11 Copy of the order dated 29.01.2013
Annexure A12 Copy of the order dated 22.02.2017
Annexure A13 Copy of the order dated 25.04.2017 in OA No. 252/2015
Annexure A14 Copy of the applicant's representation dated 30.09.2017
Annexure A15 Copy of the order dated 02.08.2017
Annexure A16 Copy of the order dated 09.08.2017
Annexure A17 Copy of the order dated 14.08.2018 in OA No. 719&720/2017

Annexures referred in reply

Annexure R1 Copy of the communication dated 24.08.2011

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