

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE**

ORIGINAL APPLICATION NO.170/00129/2020

DATED THIS THE 04th DAY OF MARCH, 2020

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Smt.B.A.Tamboli
Age: 57 years
W/o Abdul Razak M.Tamboli
Working as LSG SPM
Sarwad PO– 586125.
Vijayapura Dist.
Residing at
No.592, Kanakadas Extn.
Near New Zilla Panchayat Office
Vijayapur-586109.

....Applicant

(By Advocate Sri P.Kamalesan)

Vs.

1. Union of India
Represented by Secretary
Department of Posts
(Postal & Accounts Wing)
Dak Bhavan
New Delhi-110001.
2. Chief Post Master General
Karnataka Circle
Bangalore-560001.
3. Post Master General
N.K.Region
Dharwad-580001.
4. Sr.Superintendent of Post Offices
Vijayapura Division
Vijayapura-586101.

....Respondents

(By Advocate Sri Sayed S. Kazi)

ORDER

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

The case of the applicant is that she was selected for the post of Postal Assistant and deputed for training vide Supdt. of Post offices, Sholapur Division Memo dtd.28.1.1982(Annexure-A1). She was regularly appointed as Postal Assistant at Sholapur vide Supdt of Post Offices, Sholapur Division memo dtd.8.11.1988(Annexure-A2). She submits that there were a large number of litigations before various Tribunals, Hon'ble High Courts and Apex Court regarding counting of RTP of Postal Assistants from the date of engagement as RTP for all purposes. Many Tribunals/High Courts and Hon'ble Apex Court granted relief to the applicants. The applicant submitted representation on 3.1.2020(Annexure-A3) requesting to grant the same benefits as were granted to similarly placed Postal Assistants in MP, Kerala Circle and Telangana Circle after the orders of judicial forums. The applicant submits that Hon'ble High Court of Telangana & Andhra Pradesh vide order dtd.10.3.2017 in WP.No.17400/2016 has granted interim relief prayed by the applicants(Annexure-A4). The Dept. of Posts, SPB II Section, New Delhi vide letter dtd.21.2.2018 issued orders to CPMG, Telangana Circle, Hyderabad to implement the orders in WP.No.17400/2016(Annexure-A5) and in pursuance of which, the Supdt. of Post Offices, Hanumakonda Division vide letter dtd.20.6.2018 issued orders for counting the RTP service from their date of appointment as RTP in the PA cadre(Annexure-A6). The applicant submits that the Hon'ble High Court of Madras vide order dtd.24.7.2019 in WP.No.34944 & 33298/2016 granted relief to the petitioners as granted by various co-ordinating Benches/High Courts(Annexure-A7). This Tribunal also vide order dtd.7.1.2020 in OA.No1810/2018 granted the same relief as granted by various co-ordinating

Benches/High Courts(Annexure-A8). The applicant who is similarly placed employee is entitled for the same relief and benefits as granted by various co-ordinating Benches/High Courts. Non-extending the benefits to the applicant is discriminatory and violative of Articles 14, 15 & 16 of the Constitution. Hence, she filed the present OA seeking a direction to the respondents to count RTP service as regular service with all financial benefits and seniority and grant all further benefits as per eligibility in accordance with Hon'ble CAT, Bangalore order dtd.7.1.2020 in OA.1810/2018.

2. We have heard the Learned Counsel for the applicant and perused the OA in detail. The issue is exactly similar to the issues which have already been dealt with by the Hon'ble High Court of Telangana and Andhra Pradesh vide its orders in WP.No.17400/2016 and the Hon'ble High Court of Madras vide its orders in WP.No.34944 & 33298/2016. The same orders have been passed by us in OA.No.1810/2018 vide dtd.7.1.2020. Therefore, the OA is allowed to the same extent and the applicant is eligible for the same benefits as was ordered in the similar cases. The respondents shall issue necessary orders within a period of two(2) months from the date of this order. No costs.

(C.V.SANKAR)
MEMBER (A)

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

/ps/

Annexures referred by the applicant in OA.No.170/00129/2020

Annexure-A1: Sr.SPO's Memo dtd.28.1.1982

Annexure-A2: SPO's Memo dtd.8.11.1988
Annexure-A3: Representation dtd.3.1.2020
Annexure-A4: Order in WP.17400/2016 of AP& Telangana High Court
Annexure-A5: DOT, New Delhi letter dtd.21.2.2018
Annexure-A6: DOT, Hanamkonda letter dtd.20.6.2018
Annexure-A7: Order in WP.34944&33298/2016 dtd.24.7.2019
Annexure-A8: Order dtd.7.1.2010 in OA.1810/2018 of CAT, Bangalore Bench
