

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE**

ORIGINAL APPLICATION NO.170/00107/2020

DATED THIS THE 04th DAY OF MARCH, 2020

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

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

Sri Vinod B.Akki
Age: 54 years
S/o Basavannapa
Working as LSG SPM
Saptapur SO
Dharwad – 580001.
Residing at
Sri Gurubasava Nilay
Pande Chowk
T.C.Road, K.C.Park
Dharwad-580008.

....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. Superintendent of Post Offices
Dharwad Division
Dharwad-580008.

....Respondents

(By Advocate Sri Sayed S. Kazi)

O R D E R

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

The case of the applicant is that he was selected for the post of Postal Assistant in relaxation of recruitment rules vide Supdt. of Post offices, Haveri Division letter dtd.23.11.1983(Annexure-A1). He was engaged as short duty PA along with Reserved Training Pool (RTP) after completing theoretical/practical training vide Supdt. of Post Office, Haveri Division memo dtd.29.2.1984(Annexure-A2). He was regularly appointed as Postal Assistant from 9.10.1986 vide Sr.Supdt. of Post Offices letter dtd.8.10.1986(Annexure-A3). He 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-A4) 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-A5). 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-A6) 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-A7). 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-A8). 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-A9). 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, he filed the present OA seeking a direction to the respondents to count short duty service/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.170/00107/2020

Annexure-A1: SPO's Memo dtd.23.11.1983

Annexure-A2: SPO's Letter dtd.29.2.1984

Annexure-A3: Sr.Suptd. of Post Offices letter dtd.8.10.1986

Annexure-A4: Representation dtd.3.1.2020

Annexure-A5: Order in WP.17400/2016 of AP& Telangana High Court

Annexure-A6: DOT, New Delhi letter dtd.21.2.2018

Annexure-A7: DOT, Hanamkonda letter dtd.20.6.2018

Annexure-A8: Order in WP.34944&33298/2016 dtd.24.7.2019

Annexure-A9: Order dtd.7.1.2010 in OA.1810/2018 of CAT, Bangalore Bench
