

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. No.170/00870/2014

DATED THIS THE 4th DAY OF MARCH 2020

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

HON'BLE SHRI CV. SANKAR, MEMBER (A)

KV.Venugopal,
S/o KV.Krishna Poduval,
Aged about 61 years,
Retired as Asst. Director (RPLI),
O/o Postmaster General,
SK Region, Bangalore-560 001.
Residing at No.1070,
'Shreyas', 24th cross,
MCECHS Layout,
Dr.Shivarama Karanth Nagar,
Bangalore. 560077.

.....Applicant

(By Advocate Shri P.Kamalesan)

vs.

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

2. The Chief Postmaster General,
Karnataka Circle,
Bangalore-560 001.

3. The Postmaster General,
SK Region,
Bangalore 560 001.

...Respondents

(By Shri M.V.Rao .. Senior Panel Counsel)

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

1. Heard. We had passed an order earlier in the same OA on 10.11.2015 which we quote:-

"The matter seems to be covered by an order of CAT, Hyderabad Bench in OA.No.296/2014 dated 14.9.2015, which apparently went to the Hon'ble High Court and thereafter, to the Hon'ble Supreme Court and attained finality now. Other Benches of CAT also have followed this OA. Therefore, this OA is also allowed in terms of order already passed by the Hyderabad Bench. Applicant is entitled to the same benefit as in the other cases. Orders may be implemented within 2 months next. No order as to costs. "

2. We had accepted the decision of Hyderabad Bench in this respect. Apparently, the Hyderabad Bench's case was on the basis of employees coming from Revenue into the Postal service. In other words their original source of employment was from Revenue.

3. A distinction was sought to be made by the Government because the High Court in Writ Petition No.39325-39327/2018(S-CAT) and vide order dated 8.7.2019 the matter was remitted back to the Tribunal to decide this issue whether there is any distinction in it or not. Apparently, these matters were taken up in various courts and the Hon'ble Apex Court having upheld the principles involved in the matter, not in one case but in several cases, the matrix have now become final. Whatever be the origin of the employment of

employees, once he comes into the stream of employment then everybody has to be treated alike, equally and with equality. This has been taken up before the Hon'ble High Court earlier in a similar matter in WP.Nos.32501/2016 which was disposed of by the Bench vide order dated 2.9.2016. Thereafter, it was taken up before the Hon'ble Apex Court also in Special Leave Petition No.34238/2016 which was dismissed by the Hon'ble Apex Court vide order dated 23.2.2017. Therefore, the position in principles which is argued is the same. It relates to the Grade Pay and the Grade pay can be made available to an employee in a similar position. Apparently, it has been implemented all over India also. Therefore, we hold that the distinction as pointed out may not arise at all. The earlier order is reiterated. OA is allowed. No order as to costs.

(CV. SANKAR)
MEMBER (A)

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

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Annexures referred to by the applicant in OA.No.870/2014

Annexure A1: Copy of order dt. 31.7.1995

Annexure A2: Copy of order dt. 28.5.2005

Annexure A3: Copy of government resolution dtd. 29.8.2008

Annexure A4: Copy of circular dt.4.11.2008

Annexure A5: Copy of OM dtd. 18.9.2009

Annexure A6: Copy of order dt. 16.7.2010

Annexure A7: Copy of representation of applicant dt. 7.9.2012

Annexure A8: Copy of order dt. 7.9.2012 & dt. 9.11.2012

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