

**Central Administrative Tribunal
Hyderabad Bench**

OA No.020/132/2020

Hyderabad, this the 6th day of February, 2020

Hon'ble Mr. B. V. Sudhakar, Member (A)



1. S. Prabhakar, aged 58 years
S/o Late Devarajulu Naidu
Deputy Postmaster
Head Post Office
Rajampet-516115,
Cuddapah District,
Andhra Pradesh.
2. M. Vasundharamma, Aged 56 years
W/o K.V.Mallikarjuna Rao
Sub-Postmaster
Banaganapalle South Town Sub-Post Office
Banaganapalle-518124, Kurnool District
Andhra Pradesh.
3. L. Suryanarayana Reddy, aged 62 years
S/o Late Narayana Reddy
Retired Sub-Postmaster
At H.No.2-10, Pothudoddi Post-518221
Kurnool District, Andhra Pradesh. Applicant(s)

(By Advocate: Shri K. Siva Reddy)

Vs.

1. Union of India represented by Secretary
Department of Posts, Dak Bhawan
Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General
Andhra Pradesh Postal Circle

Vijayawada – 520013.

3. Superintendent of Post Offices
Cuddapah Postal Division
Cuddapah – 516001.

4. Superintendent of Post Offices
Nandyal Postal Division
Nandyal – 518502.

... Respondent(s)

(By Advocate: Shri B. Siva Sankar)

ORDER (Oral)

2. The OA has been filed by the applicants aggrieved over the inaction of respondents in not counting the service rendered by them, under Reserved Training Pool Scheme for the purpose of seniority, financial up-gradation and other consequential benefits.

3. Brief facts of the case are that the applicants 1 to 3 were recruited as Postal Assistants in the respondents organization under Reserved Training Pool after subjecting them to the regular selection process on 18.04.1983, 28.02.1984 and 16.11.1982 respectively. The services of the applicants were later regularized in the year 1987 and 1988, and except the 3rd applicant, the other two applicants are in service. The grievance of the applicant is that the intervening period, from the date of their original selection as Reserved Training Pool Postal Assistant to the date of their regular selection, has not been regularized reckoning it as

service for the purpose of seniority, financial up-gradation and other consequential benefits. The Hon'ble Supreme Court in SLP No.11313 of 1987, dated 11.05.1988, in which the lis has attained finality. The applicants are similarly placed and, therefore, they made representations on 05.11.2011 and 22.03.2018 requesting for regularisation of their service and consequential benefits, on par with other similarly situated. The representations of the applicants have never been considered by the respondents authorities whereas officials, who are similarly situated in States of Kerala, Haryana and Punjab, were considered and granted all the benefits consequent to the directions of Hon'ble Jabalpur, Ernakulam and Chandigarh Benches of this Tribunal, 1st Respondent issued orders dated 19.04.1996 to this effect in respect of employees who agitated before the judicial forums. Hon'ble High Court of Judicature at Madras in Writ Petition Nos.34944 and 33298 of 2016 dealt with a similar issue on 24.07.2019, placing reliance on the Hon'ble Supreme Court orders dated 11.02.1988 [11.05.1988] in SLP No.11313 of 1987 and extended the relief. Further, Union of India sought suspension of the orders of this Tribunal in OA 1165 of 2014 dated 13.04.2016 by filing WP No.46447 of 2018. Hon'ble High Court of Andhra Pradesh in its interim order, dated 12.11.2019, did not accede to the request. Thus, the issue is no longer *res integra* since it is legally settled. Respondents authorities, implementing the orders in respect of

some cases and not extending the same to those similarly placed, is illegal. Respondent No.1 has issued impugned Memo. dated 08.01.2020 seeking the information about the details of the RTP officials, who are agitating in the various judicial forums. The name of the applicants, who have been agitating for the last three decades, are not being included in the information sought for by the 1st Respondent, since they are not parties to any litigation against the Union of India in respect of the issue. In view of these developments, the applicants are in forced to file the OA.

4. The contentions of the applicants are that the respondents are discriminating the applicants by not granting the reliefs which have been extended to similarly situated employees. Hence, not including the name of the applicants, as called for vide impugned Memo dated 08.01.2020, is unconstitutional. The law is well settled in regard to extending reliefs to similarly situated employees without forcing them to go over to Courts.

5. Heard both the counsel and perused the pleadings on record.

6. The matter pertains to Division Bench. However, after hearing both the counsel, and the issue having been fully covered by Judgements of the Superior Judicial forums, it was decided to adjudicated the matter.

7. (I) The applicants joined the respondents organisation as RTP, PA and later got absorbed as Postal Assistants. Their plea is that the services rendered as RTP should be counted for the purpose of seniority, financial up-gradation and other consequential benefits. The matter fell for consideration and finally attained finality in view of the orders of the Hon'ble Supreme Court in SLP No.11313 of 1987. Besides, number of RTP employees of the respondents organization, have been granted the relief of regularization sought, by different benches of this Tribunal. It is well settled that once a few employees are granted a particular relief, then all others similarly situated need to be extended similar relief without forcing them to go over the Courts. Tribunal relies on the observation of the Hon'ble Supreme Court in **Sub Inspector Roop Lal & Anr. v. Lt. Governor through Chief Secretary, Delhi & Others**, (2000) 1 SCC 644, as the order is binding. The relevant observations of the said case are extracted below:

“12. Precedents which enunciate rules of law form the foundation of administration of justice under our system. This is a fundamental principle which every Presiding Officer of a Judicial Forum ought to know, for consistency in interpretation of law alone can lead to public confidence in our judicial system. This Court has laid down time and again precedent law must be followed by all concerned; deviation from the same should be only on a procedure known to law. A subordinate court is bounded by the enunciation of law made by the superior courts. A coordinate Bench of a Court cannot pronounce judgment contrary to declaration of law made by another Bench. It can only refer it to a larger Bench if it disagrees with the earlier pronouncement. This Court in the case of

Tribhuvandas Purshottamdas Thakar v. Ratilal Motilal Patel, AIR 1968 SC 372=[1968] 1 SCR 455 while dealing with a case in which a Judge of the High Court had failed to follow the earlier judgment of a larger Bench of the same court observed thus:

"The judgment of the Full Bench of the Gujarat High Court was binding upon Raju, J. If the learned Judge was of the view that the decision of Bhagwati, J., in Pinjare Karimbhai's case and of Macleod, C.J., in Haridas `s case did not lay down the correct Law or rule of practice, it was open to him to recommend to the Chief Justice that the question be considered by a larger Bench. Judicial decorum, propriety and discipline required that he should not ignore it Our system of administration of justice aims at certainty in the law and that can be achieved only if Judges do not ignore decisions by Courts of coordinate authority or of superior authority. Gajendragadkar, C.J. observed in Lala Shri Bhagwan and Anr, v. Shri Ram Chand and Anr.:

"It is hardly necessary to emphasize that considerations of judicial propriety and decorum require that if a learned single Judge hearing a matter is inclined to take the view that the earlier decisions of the High Court, whether of a Division Bench or of a single Judge, need to be re-considered, he should not embark upon that enquiry sitting as a single Judge, but should refer the matter to a Division Bench, or, in a proper case, place the relevant papers before the Chief Justice to enable him to constitute a larger Bench to examine the question. That is the proper and traditional way to deal with such matters and it is founded on healthy principles of judicial decorum and propriety."

Thus, there being a binding precedent laid down by the Coordinate Bench of this Tribunal it has to be adhered to as per the directions of the Hon'ble Supreme Court cited supra.

(II) Coming back to the issue on hand, the observation of the Hon'ble High Court of Madras in a similar matter is extracted hereunder:

“4. We have perused the order dated 16.12.1986 in T.A.No.82/1986 passed by the Central Administrative Tribunal, Jabalpur Bench and the related order passed by the Honourable Supreme Court dated 11.02.1988 in SLP.No.11313/1987. We have also perused the judgment rendered by the Division Bench of Punjab and Haryana High Court dated 18.02.2014 directing the Union of India, more particularly, the Postal Department to regularise the services of the employees with backwages. Similar order was passed by the High Court of Telangana and Andhra Pradesh in W.P.No.17400/2016.

5. We are informed by the learned counsel for the parties across the Bar that all these orders have been implemented by the Postal Department. Taking into account, the similar orders passed by the Jabalpur Bench and the compliance of the same by the Postal Department, the Central Administrative Tribunal was pleased to issue a <http://www.judis.nic.in> direction to regularise the services of the petitioners. We therefore do not find any reasons to interfere with the order passed by the Tribunal.”

(III) In view of the above and in accordance with the law laid down by the superior judicial forums, the respondents are directed to dispose of the representations dated 5.11.2011 and 22.03.2018 for considering the applicants to extend the relief of regularization of the service rendered as RTP for the purpose of seniority, financial up-gradation and other consequential benefits, by issuing a speaking and a well reasoned

order within a period of 8 weeks from the date of receipt of a copy of this order.

With the above directions, the OA is disposed of, with no order as to costs.

(B. V. Sudhakar)
Member (A)

nsn