

Central Administrative Tribunal
Principal Bench

R.A No. 101/2001 In
O.A. No. 1329/99

New Delhi this the 15th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

1. Union of India
Through Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Post Master General,
Agra Region,
Pratap Pura, Agra.
3. The Sr. Supdt. Post Offices,
Mathura Division,
Mathura.
4. The Sub. Divisional Inspector,
Post Offices, North Sub. Division
Mathura.

-Review Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Shri Devi Singh
S/o Shri Kanhaiya Lal,
Ex. EDDA Chhinparai,
Via Naujheel District Mathura,
C/o Shri M.P. Gupta,
A-1/131, B-Lawrance Road,
Delhi.
2. Rajendra Singh
S/o Shri Kanhaiya Lal,
Ex. EDDA Nasithi,
Via Mant, District Mathura,
C/o Shri Devi Ram Verma,
Block A-1557-A, Shastri Nagar,
Delhi-110 052.

-Respondents

(By Advocate: Shri D.P. Sharma)

ORDER (Oral)

I have heard both learned counsel in review
application No.101/2001.

2. This review application has been filed by the
respondents to review the Tribunal's order dated 24.1.2001

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in OA-1329/99 in view of the judgment of five-judge Bench of the Tribunal (Bangalore Bench) dated 20.4.2000 in OA-100/99 with connected OAs (Annexure R-2). In this larger Bench order of the Tribunal, it has been held, *inter alia*, as follows:-

"In view of the foregoing discussion, we have no hesitation in holding that the decision of the Full Bench in the case of G.S. Parvathy which directs weightage to be given, cannot be sustained and the same is accordingly overruled in so far as the aforesaid question is concerned. The aforesaid issue No.1 referred to the present Full Bench is answered in the negative".

Issue No.1 referred to above reads as follows:-

"Whether in the light of the instructions regarding the method of recruitment issued by the Department, the Tribunal can give directions to give weightage to an applicant for ED Agent's post for the experience gained by him while working as ED Agent on a provisional basis or as a substitute as has been done in G.S. Parvathy Vs. Sub-Divisional Inspector (Postal) [1992 (21) ATC (FB) 13]".

3. Shri S.K. Gupta, learned counsel has submitted that unfortunately the aforesaid order of the larger Bench of the Tribunal holding that wieghtage cannot be given in such circumstances was not brought to the notice of the Tribunal while passing the oral order dated 24.1.2001 in OA-1329/99. He has relied on another order of the Tribunal in RA-81/2001 in OA-792/99 dated 25.1.2002, where a similar situation had arisen on the same question of giving weightage for past service for regularisation. In that case also, RA was allowed recalling the earlier order dated 26.5.2000 in OA-792/99 and accordingly OA was dismissed. It is relevant to note that Shri D.P. Sharma, learned counsel who appears for the applicant in the present case was also the learned counsel for applicant in that case.

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4. Shri D.P. Sharma, learned counsel for review respondents has relied on a Circular issued by the CPMG, AP, Circle dated 29.12.2000 on the subject of absorption of Part Time Casual Labourers/substitute ED Agents of RMS Division in Kurnool Region in ED Vacancies. This circular will not assist the applicant in the present case as admittedly the applicant is working in the U.P. Circle. Shri S.K. Gupta, learned counsel for review applicants has also submitted that in fact such instructions issued earlier for giving weightage has since been reviewed by the Department uniformly and these instructions have been withdrawn in the light of the aforesaid judgment of the larger Bench of the Tribunal in OA-100/99 (supra).

5. In the aforesaid order dated 24.1.2001 in OA-1329/99, paragraph-5 reads as follows:-

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"In case the applicants apply against any vacant posts of EDDA to the respondents, their cases may be considered along with other eligible candidates in accordance with the relevant rules and instructions. The respondents shall, however, give some weightage to the applicants on account of their past services, subject to fulfilment of other terms and conditions in accordance with law. No order as to costs".

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6. Taking into account the decision of the Larger Bench of the Tribunal in OA-100/99 with connected cases dated 19/20.4.2000, RA-101/2001 is allowed and to the following extent the order dated 24.1.2001 is modified:-

In paragraph-5 of the Tribunal's order in OA 1329/99 quoted in paragraph-5 above, part of the sentence 'The respondents shall, however, give some weightage to the applicants on account of their past services' shall stand deleted. Accordingly, after the word 'instructions' in the 5th line of the same paragraph comma shall be inserted, instead of (full stop).

7. RA-101/2001 is accordingly disposed of.

8. The above order has been passed in RA-101/2001 and OA-1329/99 after hearing Shri D.P. Sharma, learned counsel and Shri S.K. Gupta, learned counsel for the parties.

9. Let a copy of this order be issued to both the parties in OA-1329/99.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.