

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

1.) O.A.No.2316/95

New Delhi : this the 23rd day of Dec., 1995.

HON'BLE MR.S.R.ADIGE, MEMBER(A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J).

1. Udai Pal Singh Sengar,
S/o Sh. Shri R.N. Singh,
1122, Vivekanand Nagar,
Ghaziabad-201 002.
2. Shiv Narain Gupta,
S/o Sh.
F-196, A Nand Nikunj,
Meerut Road, Ghaziabad.
3. Mahavir Singh,
S/o Sh. Ram Singh,
Vill. Khwarpur, Murad Nagar,
Ghaziabad.
4. Devendri Devi
W/o Sh. Rajendra Kumar,
32, Kallu Pura, Dasna Road,
Ghaziabad.
5. Anita Jain W/o
Sh. Rajesh Jain,
III C-146, Nehru Nagar,
Ghaziabad.
6. Janak Singh Shishodia,
S/o Sh. Bheem Singh,
162/1161, Shanti Chamari,
Ghaziabad.
7. Veer Singh, (III)
S/o Late Sh. Hukum Singh,
Vill. Kabatta P.O. Kharkhanda,
Distt. Meerut.
8. Officer Kumar,
S/o Sh. Babu Lal,
A-281, Sector 11, Vijay Nagar,
Ghaziabad.
9. Narendra Singh, Sengar,
S/o Sh. Raghu Vir Singh,
New Defence Colony, Murad Nagar,
Ghaziabad.
10. Rajendra Singh Bhatnagar,
S/o Sh. Chhanga Singh,
V. & P.O. Surana,
Distt. Ghaziabad.
11. Rajendra Prasad Sharma,
S/o Sh. Ram Bal Sharma,
Gali No.2, Near Police Station,
Jalalpur Road, Murad Nagar,
12. Phool Singh S/o Sh. Late Anokhey Lal,
C-614, Postal Colony, Secor-31,
NOIDA.

- 12
13. Hergyan Singh S/o Sh. Nanak Chand,
C-6/8, Sector 31, Postal Colony,
NOIDA.
 14. Bheek Chand S/o Sh. Chhiddi Singh,
C-6/17, Sector 31, Postal Colony,
NOIDA.
 15. Satyenora Sharma S/o Sh. Ishwar Chand,
C-6/5, Sector 31, Postal Colony,
NOIDA.
 16. Sh. Vivek Chand Kaushik S/o Sh.
P&F Colony, Govindpuri, P.O.
 17. Sh. Ashok Kumar S/o Late Sh. Rakam Singh,
Dev Nagar, Sonda Road, Modli Nagar
Ghaziabad.
 18. Sunil Sirohi S/o Sh. O.P.S. Sirohi,
P-32, A Sanjay Colony,
Ghaziabad.
 19. T.N. Tripathi S/o Sh.
196 F/A Nand Gram,
Ghaziabad.

except No. 5
All the applicants are working as Postal Assistant
& equivalent post in various post offices under the
control of Respondent No. 3.

... .. Applicants.

V/s

1. Union of India,
through The Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan, NEW DELHI-110001.
2. Post Master General,
Dehradun-249 001.
3. Senior Supdt. of Post Offices,
Ghaziabad Division,
Ghaziabad-201 001.

... .. Respondents.

13

2) O.A.No.2343/1995

1. Sh. Chandra Prakash
S/o Sh. Bhagwant Singh,
C/o Sh. H.P. Singh,
B-69, Lawrence Road,
DELHI-110034.
2. Sh. Ashok Kumar,
S/o Sh. Daryab Singh,
C/o Harkesh, Gali No. 6,
House No. 96, Dayal Pur,
DELHI-110094.
3. Sh. Raj Kumar Sharma,
S/o Sh. H.C. Sharma,
H.No. 46-D, DDA Flat,
Mansarovar Park, Shahadara,
DELHI-110032.
4. Sh. Shiv Shankar Pandey,
S/o Sh. Sri Ram Pandey,
V-45, Budh Vihar,
DELHI-110041.
5. Sh. Satya Ram,
S/o Sh. Tilak Singh,
1451, Purobajia Colony,
Faridabad.
6. Sh. Nakchhed Gupta,
S/o Sh. Suhu Rao Gupta,
C-29, Gali No. 2,
Sonia Vihar,
DELHI-110054.
7. Sh. Akshya Kumar Sharma,
S/o Sh. S.B. Sharma,
Vill. Kekra, Post Murad Nagar,
Ghaziabad-201 206.
8. Sh. Ram Gopal,
S/o Sh. Jugroop,
D-204/205, Bharat Vihar, Kakraula,
NEW DELHI-110043.
9. Sh. Pratap Singh-II,
S/o Sh. Gopi Ram,
8/14, Raj Mohalla,
SONEPAT-131 001.
10. Sh. Rampal Singh,
S/o Sh. Ram Prasad Yadav,
V & P.O. Phulera,
Distt. Meerut-201 102.

CONTD..P/

11. Sh. Kripal Singh Chauhan,
S/o Sh. C.S. Chauhan,
1498, Wazir Nagar, Kotla Mubarakpur,
NEW DELHI-110 003.
12. Sh. Pavan Kumar Bansal,
S/o Sh. H.K. Bansal,
C/o Chandgi Ram Har Kishore,
Mahajan Mohalla, Sampla-124 501.(Rohatak)
13. Sh. Fateh Singh,
S/o Sh. Prasadi Singh,
C/o Shishpal Singh(Fore-man),
Q.No. 60, Water Works, Wazirabad,
DELHI-110054.
14. Sh. K.K. Pathak,
S/o Sh. Ram Achal Pathak,
C/o Post Master, S.R.T. Nagar,
NEW DELHI-110055
15. Sh. Rajveer Singh,
S/o Sh. Ram Kishan,

All the above applicants are employed as Postal Assistants and posted in various post offices under the Respondent No. 3. The address for service of notices is C/o Sh. Rukesh Kumar Gupta, 3482/5, Vishnu Mandir Marg, Karol Bagh, New Delhi-110005.

V/s

1. The Union of India,
Through The Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan, NEW DELHI-110001.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
NEW DELHI-110001.
3. Senior Supdt. of Post Offices,
Central Division,
Meghdoot Bhawan,
NEW DELHI-110001.

RESPONDENTS.

CONTD..P/...

3) O.A.No. 54 of 1996

- | | |
|--------------------------|-----------------------|
| 1. S/Shri Wirender Singh | s/o Sh. Nanhoy Singh. |
| 2. Piyare Lal | s/o Keshi Ram. |
| 3. Smt. Daya Arora | s/o A. K. Arora. |
| 4. Zile Singh | s/o Khachedu Singh. |
| 5. Begh Raj Singh | s/o Puren Singh. |
| 6. Sohan Lal | s/o Ganga Ram. |
| 7. Sunder Singh | s/o Nathu Singh |
| 8. Dhiraj Pal | s/o Bhoop Singh. |
| 9. Rattan Singh | s/o Banwari Lal. |
| 10. S.S. Rana | s/o Deep Chand. |
| 11. Balwan Singh. | s/o Hoshier Singh. |

All the above applicants are employed as Postal Assistants in Delhi North Postal Division in various post offices under Delhi Postal Circle.

Address for service : Shri Sant Lal , Advocate, C-21(3),
New Multan Nagar, Delhi- 110055.

.... Applicants.

Versus

1. Union of India through
the Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan, New Delhi - 110001.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi- 110001

..... Respondents.

4) O.A.No. 1845/95

- | | |
|--------------------------|---------------------|
| 1. S/Shri Chananjaya Jha | s/o Shri A.K.Jha. |
| 2. Raj Kumar | s/o Jai Gopal. |
| 3. K. David Raju | s/o Prakash. |
| 4. Ms. Madhu Bale Jain | s/o Madan Lal Jain |
| 5. Sh. H.M. Tripathi | s/o K.S.M. Tripathi |

All applicants are employed as Postal Assistants. Applicants 1 to 4 are posted in Parliament Street, New Delhi Head Post Office while applicant No.5 is posted in Lodi Road Head Post Office, New Delhi-3.

..... Applicants.

Versus

1. Union of India through
the Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan,
New Delhi - 110001.
2. The Chief postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi - 110001

..... Respondents.

By Advocate: Shri Sant Lal and Shri M.K.Gupta
for the applicants.

Shri M.M.Sudan for the respondents.
and Shri B.Lall.

JUDGMENT

BY HON'BLE MR.S.P.ADIGE MEMBER(s).

As all these OAs involve common questions of law and fact, they are being disposed of by this common order.

2. In all these OAs the applicants who are postal Assistants are aggrieved by the action of the respondents in not extending to them the benefits of the CAT Jabalpur Bench judgment dated 16.12.86 in T.A.No.82/86. All India Postal Employees Class II Union Vs. UOI & others, whereby respondents' Circular dated 30.10.80 which dealt with the payment of hourly rates of wages to

7

(TP)

employees in Reserved Trainee Pool (RTP) was held to be discriminatory and violative of Article 14 of the Constitution and was struck down. A direction was issued to respondents that RTP employees performing the same duties as Postal Assistants should be paid the same monthly salary and emoluments as were being received by Postal Assistants with effect from the dates of their appointment. Furthermore, Govt. was directed to review their policy to stop recruitment/ absorption of persons against regular Postal Assistants and a direction was also issued that no person should be inducted from other departments like Railway Mail Service and Telecommunication Department to man posts of Postal Assistants until the applicants were absorbed against regular posts. Furthermore, no fresh persons were to be taken and recruited against the RTP. Until the Govt. reviewed its aforesaid policy, the aforesaid Circular dated 31.10.80 in regard to recruitment of fresh persons to RTP was struck down and the absorption of the applicants against ~~regular~~ regular posts was directed to be taken up in a phased manner, if necessary by creating supernumerary posts and subject to the screening of the unfit by a specially constituted Screening Committee which would also keep in view their seniority in the RTP. SLP No.11513/87 filed against that judgment was dismissed by the Hon'ble Supreme Court on 11.5.88 and later the benefits of the judgment dated 16.12.86 were ordered to be extended to the applicants in O.A. NO. 1345/92 Daya Chand & others Vs. UOI by the CAT Principal Bench judgment dated 14.12.92.

3. Applicants inter alia contend that the judgment referred to above is a judgment in rem

98

and it is obligatory on the part of the respondents to extend the benefits of the judgment to other similarly situate, ^{their} and ~~the~~ inaction is violative of Article 14 of the Constitution.

4. The respondents in their reply have challenged the O.A. Firstly they contend that the judgments relied upon by the applicant were judgments in personam and not judgment in rem as contended by the applicant, and their benefits cannot be extended to the applicants. Secondly, it is contended that the applicants have subsequently being regularised against available vacancies in their turn. Thirdly, it is argued that these OAs are time barred and is hit by Section 21 A.T. Act. Reliance is also placed on the judgments of the Hon'ble Supreme Court in Bhooop Singh Vs. UOI 1992 (3) SCC 136 and Ratan Chand Samanta Vs. UOI 1994 (26) ATC 228.

5. We have considered the matter carefully. In both Bhooop Singh's case (Supra) as well as Ratan Chand Samanta's case (Supra) the relief sought was re-engagement which is ^a one time operation. In the present OAs before us, each month that the applicants are denied the benefits which have been granted by the judgments of CAT Jabalpur Bench and CAT Principal Bench to those similarly situated as themselves, constitutes a continuing cause of action.

6. In two recent judgments of the Hon'ble Supreme Court SLP (C) No. 11126/95 Shri Charan Lal Vs. UOI & others and SLP (C) No. 14005/92 Girdhari Lal Vs. UOI & others, the Hon'ble Supreme ^{Court} has directed extension of the benefits of the judgments to the appellants on the ground that their case was not different from that of those similarly situated.

19

who had been granted the benefits. In this connection the following extracts from the Hon'ble Supreme Court's order dated 3.1.96 is relevant:

"It is appropriate that the UOI treat all such persons alike and to grant them the same benefits instead of driving each one of them to litigation in the course of which the UOI is itself required to spend considerable public money."

7. Therefore, in the particular facts and circumstances of these cases and in the light of the above these OAs

are allowed, and the respondents are directed to extend the benefits of the CAT Jabalpur Bench Judgment dated 16.12.86 in TA No.92/86 All India Postal Employees Class III Union Vs. UOI & others to the applicants in the present OAs also, but as these applicants have approached the Tribunal with considerable delay, we make it clear that the extension of the benefits to the applicants shall be with effect from the date of this judgment, but they shall not be entitled to any arrears.

8. In this connection, the applicants in Ca No.2316/95 asserted that the respondents' letter dated 1.8.94 (Annexure-A1) give them a fresh cause of action, but in our view this assertion is incorrect. The cause of action actually arose from the period during which they were discharging the duties of RTP on daily wage rates which from the materials available on record was prior to 31.12.99, although these OAs were themselves filed in 1995.

9. Under the circumstance, we hold that these applicants before us would not be entitled to any arrears, and in fact we notice that neither in the CAT Jabalpur Bench judgment dated 16.12.86 nor in fact the CAT Principal Bench judgment

dated 14.12.92 Daya Chand's case (supra), there is any direction for payment of arrears.

10. The OAs are disposed of in terms of paragraph 7 above.

11. Let a copy of this judgment be placed on the files of each of the abovementioned OAs.

(DR.A.VEDATALLI)
MEMBER(J)

(S.R.ADIGE)
MEMBER(A).

/s/

Attested
Suresh Kumar
23-12-98
CO C IV 18

35/12