

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2459/1996

New Delhi this the 26th day of June, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Shri Sukhvir Singh
S/o Shri Ram Prasad
R/o RZ-66(1), Block 'M'
New Roshanpura Colony
Najafgarh
New Delhi-110043.

...Applicant

(None)

-Versus-

1. Union of India through
the Secretary,
Department of Posts,
Ministry of Communication,
Government of India,
New Delhi-110001.
2. The Director General
Department of Post,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
3. The Director
Foreign Post Centre,
Kotla Road,
New Delhi-110002.
4. The Postmaster General
Delhi Postal Circle Office,
Meghdoot Bhawan,
New Delhi-110001. Respondents

(By Shri R.P. Aggarwal, Advocate)

O R D E R (ORAL)

V.K. Majotra, Member (A):

The applicant and his advocate are absent. We have proceeded to dispose of the OA on merits in their absence in terms of Rule 15^b of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. Through this OA, the applicant is seeking regularisation of service since his initial date of joining as R.T.P. i.e. 25.6.1984 on the basis of the

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dt 16.12.1986
order made in TA No.82/1986 by the Jabalpur Bench of this Tribunal in the case of All India Postal Employees Union v. Union of India. The applicant made a representation to the respondents on 1.11.1993 seeking same facilities and benefits ^{as} of the regular employees (Postal Assistant) with effect from the date of his appointment i.e. 25.6.1984 upto 2.6.1988 when he was actually regularised. Vide Annexure 'A' dated 15.2.1996, the benefits/facilities accruing from regularisation of services during the period 25.6.1984 to 2.6.1988 have been denied to the applicant. The applicant was appointed as Postal Assistant (reserved trained pool) on 25.6.1984. He was regularised on the said post vide order dated 3.6.1988 at Annexure 'C'. The judgement dated 16.12.1986 rendered by the Jabalpur Bench of this Tribunal, Annexure 'D' had not been implemented though it was filed by the All India Postal Employees Union in its representative capacity. Therefore, some employees filed a case before the Principal Bench of this Tribunal being OA No.1345/1992 seeking similar benefits as directed by the Jabalpur Bench of the Tribunal vide its judgement dated 16.12.1986. The said OA was disposed of by an order passed on 14.12.1992, Annexure 'E', allowing the OA with the direction that the applicants therein be given the benefits of the judgement dated 16.12.1986 given by the Jabalpur Bench of this Tribunal. According to the applicant, though his services were regularised on the post of R.T.P with effect from 3.6.1988, he should have been given the benefits of regularisation with

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effect from 25.6.1984 i.e. the date of his initial appointment.

3. As per counter of the respondents, the DG P&T vide letter dated 30.10.1980, Annexure R-I decided to form a standing pool of trained reserve candidates in each recruitment unit to meet the regular as well as emergent needs of manpower in post offices & RMS offices. Under this scheme, each recruiting unit was to prepare an additional list of candidates known as Part 'D' or Part III after drawing up the main select list. Additional reserve list was to be drawn up of the candidates equal in number ~~of~~^{to} 5% of the number of candidates in main select list. Such reserve list candidates were to be imparted training like the candidates in the main select list and the candidates after training were to constitute a standing pool of trained reserve and were to be absorbed in regular vacancies in their turn after the candidates in the main list were absorbed. The applicant was selected for the standing pool of trained reserve on 25.6.1984 and was regularised as temporary Postal Assistant with effect from 3.6.1988. According to the respondents, the applicant had worked as short duty staff and, therefore, he cannot claim equal pay to that of regular employees. The respondents have contended that the directions of the Jabalpur Bench of this Tribunal in TA 82/1986 were applicable only to the applicants who had filed the said TA. Also the judgement in OA No. 1345/1992 of the Principal Bench of

the Tribunal cannot be made applicable to the present applicant in the light of the decision of the Postal Directorate given vide their letter dated 20.12.1995, Annexure R-II.

4. Whereas according to the respondents, the applicant has been selected for the standing pool of trained reserve in accordance with the provisions of the scheme on 25.6.1984, he was not made to perform the same duties as that of Postal Assistant. He was engaged as short duty staff on the dates when his services were needed and was paid wages in accordance with the scheme circulated vide letter dated 30.10.1980, Annexure R-I. It was further pleaded that distinction between the present case and TA 82/1986 is that whereas the applicant herein has been regularised under the relevant scheme from 3.6.1988, the applicants in the aforesaid TA had not been regularised as they were working as R.T.Ps.

5. We have gone through the provisions of the scheme relating to standing pool of trained reserve candidates for Post and RMS offices, Annexure R-I. We find that after recruitment in 1984, the applicant has been correctly regularised under the provisions of the scheme on 3.6.1988. The applicant has not been able to make out a case for granting him the facilities/benefits of regular Postal Assistant from the date prior to 3.6.1988 when his services were regularised.

6. In the facts and circumstances of the case, this OA is dismissed as being devoid of merit. No order as to costs.

V.K. Majotra
(V.K. Majotra)
Member (A) 26.6.2008

Ashok Agarwal
(Ashok Agarwal) -
Chairman

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