

(CAT Ahmedabad Bench/ OA 464/2019)

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.464/2019
With MA No. 478/2019**

Dated this the 10th day of August , 2021.

**Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Nazirbhai Sumra
S/o Gulabbhai Sumra
Aged: 60 years, Male,
Occ- Retired Postal Assistant,
Residing at Bhavnath-1,
Street No. 11,
Gondal- 360311.

....Applicant

(By Advocate : Ms. Vilas Purani)

Versus

1. Union of India
Notice to be served through
The Secretary Ministry of Communication & IT Dept,
Department Of Posts,
Daak Bhavan, Sansad Marg,
New Delhi 110001.
2. Chief Post Master General,
Gujarat Circle, Khanpur,
Ahmedabad 380001.
3. The Superintendent of Post Office,
Gondal Division,
Gondal- 360311.

..... Respondents.

(By Advocate: Ms. R R Patel)

ORDER (ORAL)**Per : Hon'ble Shri J.V. Bhairavia, Member (J)****ORDER IN MA No. 478/2019**

It is noticed that applicant has filed an MA for condonation of delay while filing the OA before this Tribunal with regard to their claim for grant of benefit of MACP, etc in light of order passed by this Tribunal as well as other coordinate Benches of this Tribunal and the Hon'ble High Court in the case of similarly placed employees. The respondents have filed their reply and objected on the point of delay. The counsel for the applicant submits that the claim of applicant be restricted only for three years prior to filing of present OA. Considering the said submission of the applicant, MA stands allowed.

ORDER IN OA No. 464/2019

- 1 In the present OA, the issue is about whether the post of Postal Assistant is a promotional post for the post of Postman? In this regard it is apt to mention that this Tribunal by a common order dated 17.09.2019 in identical OAs i.e. OA No.93/2019 and other connected matters filed by similarly placed Postal Assistants of the Postal Department, decided the very same issue and thereby held that "the post of Postal Assistant is not a promotion post of Postman."
- 2 Aggrieved by the aforesaid order dated 17.09.2019, the respondent Postal Department had filed various Writ Petitions being SCA No.7925/2020 and other connected SCAs before the Hon'ble High Court of Gujarat and the said SCA are pending for final adjudication.
- 3 Learned counsel for the applicant submits that the decision of Hon'ble High Court in said pending SCAs will also be applicable to the case of the applicants in the present OA.
- 4 Considering the undisputed fact that the issue involved in the present OA is identical and common in nature with the pending SCAs before the Hon'ble High Court of Gujarat as noted herein above, we deem it fit to accept the submission of the applicant herein, the decision/order/judgment to be passed by the Hon'ble High Court of Gujarat in aforesaid pending SCAs , i.e. SCA 7935/2020 and other connected SCAs will be applicable and binding to the applicants in the present OA. Liberty is granted to the applicant/s herein to

revive the present OA by filling a note if present respondents, who are petitioners in the aforesaid pending SCAs remain unsuccessful before the Hon'ble High Court.

- 5 In view of above observations the OA stands disposed of. No orders as to costs. Registry is directed to send a copy of this order through email to the learned counsel for parties.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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