

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW
(HEARING THROUGH VIDEO CONFERENCING)**

Dated: 24.11.2020

HON'BLE SMT. MANJULA DAS, MEMBER (J)
HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A)

(1) O.A. No. 332/00273/2017

Raj Bahadur Yadav, aged about 32 years,
Son of Shri Tejai Yadav,
Resident of Village & Post-Samdeeh,
District-Ambedkar Nagar.

... Applicant

By Advocate: Praveen Kumar

-Versus-

1. Union of India through the
Chief Post Master General,
UP Region, Lucknow.
2. The Postmaster General, Lucknow
3. The Senior Superintendent of Post Offices,
Faizabad Division, Faizabad.


By Advocate: Shatruhan Lal

... Respondents

(2) O.A. No. 332/00215/2017

Manish Kumar, aged about 26 years,
Son of Shri Dashrath Deen
Resident of -Village & Post-Mathani
District-Ambedkar Nagar

By Advocate: Praveen Kumar

... **Applicant**

-Versus-

1. Union of India,
Through the Chief Post Master General,
U.P. Region, Lucknow
2. The Postmaster General, Lucknow
3. The Senior Superintendent of Post Offices,
Faizabad Division, Faizabad.

... **Respondents**

By Advocates: Prayagmati Gupta

(3) O.A. No. 332/00267/2017

Shalu Singh, aged about 24 years
Daughter of Shri Brij Kishore Singh
Resident of Village & Post - Sonaura Gaupur
(Tikari), Faizabad.

... **Applicant**

By Advocates: Praveen Kumar

-Versus-

1. 1. Union of India,
Through the Chief Post Master General,
U.P. Region, Lucknow.
2. The Postmaster General, Lucknow
3. The Senior Superintendent of Post Offices,
Faizabad Division, Faizabad.

... Respondents

By Advocates: Prayagmati Gupta

(4) O.A. No. 332/00268/2017

Pragya Singh, aged about 26 years,
Wife of Shri Rakesh Kumar Singh
Resident of -Village-Manikpur,
Post-Jamukalan,
District-Ambedkar Nagar.

... Applicant

By Advocate: Praveen Kumar

-Versus-

1. 1. Union of India,
Through the Chief Post Master General,
U.P. Region, Lucknow.
2. The Postmaster General, Lucknow.

3. The Senior Superintendent of Post Offices,
Faizabad Division, Faizabad.

... Respondents

By Advocates: Prayagmati Gupta

ORDER (ORAL)

MANJULA DAS, MEMBER (J)

These four cases i.e. O.A. No.
332/00273/2017, O.A. No. 332/00215/2017, O.A.
No. 332/00267/2017 and O.A. No. 332/00268/2017
are analogous and similar question of law and
facts are involved. Thus, they are being
examined, considered and decided by this
common order.

2. In these four cases, all the applicants pray
for setting aside the impugned orders dated
06.06.2017 as well as 18.05.2017 and to direct the

respondents to reinstate them in service forthwith along with all consequential benefits.

3. We have heard the learned counsel for the parties, perused the pleadings and all the documents. It is noted that in a similar case, the Co-ordinate Bench of CAT, Allahabad Bench had already dealt with the substantive matter in O.A. No. 330/00742/2016. The operative portion of the order dated 14.07.2017 passed in O.A. No. 330/00742/2016 reads as under:-

[Signature]

"It is declared that the applicants are entitled to reinstatement and further, they are entitled to the consequential benefits, i.e. for full TRCA for the period they have been kept out of service. If any of their places has been filled up by someone, the applicants shall be accommodated in any other vacant post and at the earliest opportunity they shall be brought back to their original post. This order shall be complied with within a period of six weeks from today. Necessary order for reinstatement be issued accordingly. Arrears of TRCA be disbursed within two months from the date of reinstatement."

4. Said order of the Tribunal dated 14.07.2017 was challenged before the Hon'ble Allahabad High Court through a bunch of 61 Writ Petitions wherein, the Hon'ble Allahabad High Court, vide its common judgment and order dated 30.04.2018, upheld and confirmed the order of the Tribunal dated 14.07.2017. The operative portion of the order of the Hon'ble Allahabad High Court reads as under:-

"In view of above discussion, we do not find any manifest error in judgments of Tribunal warranting interference. It is always open to petitioners to pass fresh orders after complying with the requirement of Rules. Hence, we find no valid reason to interfere with judgments of Tribunal, impugned in all these writ petitions."

5. On 05.12.2019, Sri Shashi Prakash Singh, Addl. Solicitor General of India affirmed specifically that all these matters, i.e. O.A. No. 332/00273/2017, O.A. No. 332/00215/2017, O.A.

No. 332/00267/2017 and O.A. No. 332/00268/2017

are analogous with the cases which have already been dealt with by the Co-ordinate Bench of CAT, Allahabad Bench in its aforementioned order dated 14.07.2017 in OA No. 742/2016 and upheld and confirmed by the Hon'ble Allahabad High Court in its order dated 30.04.2018 as referred to above. As such therefore, these cases can be disposed of on similar lines. The order of this Tribunal dated 05.12.2019 is being reproduced below:-

AB
"At the very outset, Additional Solicitor General very fairly states that O.A. No. 59/2015, 224/2015, 14/2017, 215/2017, 267/2017, 268/2017 and 273/2017 are completely covered by the judgment passed by the Allahabad Bench as well as by this Bench which has been upheld by the Hon'ble High Court as well as by the Hon'ble Apex Court."

6. Keeping in view the above, as the substantive matter in all these cases has attained finality, we deem it fit and proper to issue similar

orders for these cases. Accordingly, impugned orders dated 06.06.2017 and 18.05.2017 are hereby quashed and set aside and the respondents are hereby directed to reinstate the applicants to their posts with all consequential benefits i.e. full TRCA for the period they have been kept out of service because of the impugned orders. In case their places have been filled up by other persons, then the applicants shall be accommodated in any other vacant post and brought back to their original post at the earliest opportunity. This order should be complied with within a period of three months from the date of receipt of certified copy of this order. Liberty is also granted to the respondents to proceed against the applicants, where so warranted, under Rule 4(3), or under Rule 9 and 10 of the GDS (Conduct and Engagement) Rules.

[Signature]

2011, in the light of the earlier referred to order dated 14.07.2017 of the Allahabad Bench of this Tribunal in OA 742/2016 as upheld and confirmed by the order dated 30.04.2018 passed by the Hon'ble Allahabad High Court.

7. No order as to costs.

(A. MUKHOPADHAYA)
MEMBER (A)

(SMT. MANJULA DAS)
MEMBER (J)

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