

*Tribal  
allowance*

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL** ~~XXXXXX~~ TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 171 OF 1992.  
~~LA No.~~

DATE OF DECISION 22.06.1992.

National Union of Postal Employees, Petitioner

Shri J.C. Pandya, (Party in Person) Advocate for the Petitioner(s)

Versus

Union of India and Ors. Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Judicial Member

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

National Union of postal  
Employees, Class III,  
through its Circle Secretary  
Shri J.C.Pandya

Shri K.C.Modi, Sub postmaster,  
O.N.G.C. Colony, Ankleshwar.

...Applicant.

( PARTY IN PERSON )

Versus

1. Union of India through  
the Director General  
Department of Post,  
Ministry of Communication,  
Parliament Street,  
New Delhi.
2. The Chief post Master,  
General, Gujarat Circle,  
Ahmedabad.
3. The post Master General,  
Vadodara Region,  
Vadodara.

...Respondents.

( Advocate : Mr.Akil Kureshi )

O R A L J U D G M E N T  
O.A. NO. 171 OF 1992.

Date : 22/06/1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

Mr.J.C.Pandya, Circle Secretary of the  
applicant's association present. Mr.Akil Kureshi  
learned advocate for the respondents, present.

1. This application under Section-19 of the  
Administrative Tribunals, Act, 1985, is filed by the  
National Union of postal employees Class - III, through  
it Secretary Shri J.C.Pandya and one employee  
Mr.K.C.Modi, Sub Postmaster, O.N.G.C. Colony, Ankleshwar,  
seeking the relief that the respondents be directed

...3..

to grant the Tribal allowances to the staff working in Post Offices at the rate of Telephone department.

It is the case of the applicants, as pleaded in the application that the Government of India, Ministry of Finance and Department of Expenditure, Office Memorandum No.20022/2/86-EJV, dated 23rd September, 1986, directed that all Central Government employees working under the area, mentioned in that circular are eligible for the payment of the Tribunal allowance. The applicant's Secretary who is present, has produced at Annexure-A/2, the copy of this O.M. dated 23rd September, 1986.

The prayer of the applicants is that the employees of the postal department who are Central Government employees posted in Tribal Talukas/pockets of Gujarat State, as mentioned in Annexure-A/1 and A/2, to the Said O.M. should be paid the tribal allowance per month as mentioned therein. The applicants have also produced at Annexure-A/5, the decision of this Tribunal in the case of Shri M.N.Chauhan and 71 ors. Divisional Secretary, All India Telegraph Engg. Emp. Union, Versus Union of India and others, in O.A./761/88, decided on 4th January, 1990, in which this Tribunal directed the respondents to make the payment according to the said Office Memorandum.

2.

The respondents have filed reply, contending that the Tribal Area Compensatory Allowance is payable to the staff working at Post Offices situated in Tribal Areas declared by the Government of Gujarat from time to time. The Government of Gujarat has declared Ankleshwar as tribal pocket area and the list of villages covered under the Tribal pocket of Ankleshwar has been received from the Collector of Bharuch District.

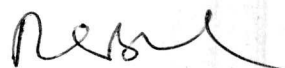
According to the respondents, Ankleshwar town itself <sup>which</sup> ~~which~~ is not in Tribal area and therefore, the Staff of that Office can not be considered. The applicant's Secretary submitted that the applicants do not press for the tribal allowances <sup>of</sup> ~~of~~ the staff of Ankleshwar, LSG Post Office but claims only for the Post Offices situated ~~at~~ at Ankleshwar I.E., Ankleshwar G.I.D.C. and Ankleshwar O.N.G.C. only. Learned advocate for the respondents submitted that the respondents be directed to consider the applicability of this Office Memorandum, to these applicants and to take decision on it within two months and if this Office Memorandum applies to them, the respondents be directed to make payment according to that Office Memorandum. Hence the following order :

ORDER

3. " The application is allowed partly. The respondents are directed to take decision regarding the claim of the applicant's employees serving in Post Offices in Tribal area/Pocket as per Government of India Ministry of Finance and Expenditure, New Delhi, No.20022/2/86-EJV, dated 23rd September, 1986, within two months from the date of receipt of this order and if this Office Memorandum is applicable to the employees for the Post Offices at Ankleshwar I.E., Ankleshwar GIDC, and Ankleshwar O.N.G.C., in State of Gujarat, the respondents to make the payment of Tribal area

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allowances to them, according to the said Office Memorandum within two months thereafter. The application is disposed of accordingly. No order as to costs.





( R.C.Bhatt )  
Member (J)

AIT

M.A. 305/92

in

O.A. 171/92

Date	Office Report	O R D E R
(9) 12.10.92		<p>The original respondents have filed M.A. 305/92 for extension of time. Mr. Akil Kureshi states that notice has been served on the original applicant. Notice issued to the original applicant by the Registry has also been served. None for the applicant. We have heard the counsel in M.A. In view of the submission made we allow the M.A. and granted time till 30th November, 1992 to comply with the original order. M.A. is disposed of.</p> <div data-bbox="769 1284 973 1416"> (R.C. Bhatt) Member(J)</div> <div data-bbox="1240 1247 1517 1423"> (N.V. Krishnan) Vice Chairman</div> <p>vtc.</p>

M.A. 305/92

in

O.A. 171/92

Date	Office Report	O R D E R
(9) 12.10.92		<p data-bbox="751 471 1562 1166">The original respondents have filed M.A. 305/92 for extension of time. Mr. Akil Kureshi states that notice has been served on the original applicant. Notice issued to the original applicant by the Registry has also been served. None for the applicant. We have heard the counsel in M.A. In view of the submission made we allow the M.A. and granted time till 30th November, 1992 to comply with the original order. M.A. is disposed of.</p> <div data-bbox="772 1296 979 1364"><p>(R.C.Bhatt) Member(J)</p></div> <div data-bbox="1251 1296 1522 1364"><p>(N.V.Krishnan) Vice Chairman</p></div> <p data-bbox="772 1434 847 1460">vtc.</p>