

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No/228/93 with
~~RAO No.~~
M.A./375/93

DATE OF DECISION 07/10/1993

Shri Natwearbhai C. Macchi & ors. Petitioner

Mr. P. K. Handa _____ Advocate for the Petitioner(s)

Versus

Union of India & others _____ Respondent

Mr. Akil Kureshi _____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr. M.R. Kolhatkar : Member (A)

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 ?

1. Shri Natwearbhai C. Machhi,
Secretary, All India Postal Employees,
Union, Vaddodara East Division,
21-C Zaver Nagar Society,
Near Sardar Estate,
VADODARA
2. Shri Navinchandra K. Shah,
Patelia Pole,
Wanki Shere,
Near Well,
VADODARA

: APPLICANTS :

Advocate Mr. P. K. Handa

versus

1. Union of India through
Director General,
Postal Services, Ministry
of Communications,
Dept: of Posts,
Dak Bhavan,
NEW DELHI
2. Chief Post Master General,
Gujarat Circle,
Khanpur,
AHMEDABAD
3. The Post Master General,
Pratapganj,
Vadodara Region,
VADODARA
4. Sr. Superintendent of Post office,
Eastern Region,
Raopura,
VADODARA

: RESPONDENTS :

Advocate : Mr. Akil Kureshi

ORAL ORDER

O.A./228/93 with

M.A./375/93

Date: 07/10/1993

Per : Hon'ble Shri R.C. Bhatt,
Member (J)

Mr. P. K. Handa, learned advocate for

the applicants is present. Mr. Akil Kureshi, learned advocate for the respondents is present.

2. This application under section 19 of the Administrative Tribunals Act, is filed by the Secretary of All India Postal Employees Union, Vadodara, East Division and the employee who is applicant no.2. for the benefit of 24 similar employees whose names are mentioned in Annexure A-6 seeking the reliefs prayed in para-8 of the application as under :-

(i) The applicants pray to the Hon'ble Tribunal to direct the respondents to pay the arrears from the date of appointment of each and individual Postal Assistant in Vadodara Region, equal to the difference of pay between the hourly rate paid to the applicants and the regular pay drawn by the permanent postals Assistants on the basis of the Hon'ble Supreme Court's judgement as well as on the judgement pronounced by the Administrative Tribunal, Ahmedabad as shown at Annexures A-2, A-3, A-4, and A-5 respectively, as the applicants are similarly situated with consequential benefits.

(ii) Any other relief which the Hon'ble Tribunal deems fit.

(iii) The Hon'ble Tribunal is also requested to award the cost of the suit."

Notices on admission were issued

for reply on admission.

3. The applicants have filed MA.375/93 for condonation of delay in filing this application. The

respondents have filed reply to this M.A. and reply on admission also contending that the application is hopelessly time barred because the applicants claim parity of wages from the year of 1982. They have also not admitted that the applicants are similarly situated to the persons in the cases on which applicants reply. Learned advocate Mr.Handa for the applicants submits that the applicants are entitled to the benefit of the judgement pronounced on 23.1.1993, a copy of which is pronounced vide Annexure A-5. Learned advocate Mr.Kureshi for the respondents submitted that the decision given at Annexure A-5 was in O.A./406/89 in which the decision of this Tribunal given previously in T.A.218/87 decided on 17/1/1989 vide Annexure A/4 was relied and therefore, even considering date of decision of judgement Annexure A-4, there was no reason for the applicants not to come immediately after the decision in T.A.218/87 and the application is barred by limitation.

3. The learned advocates at the time of admission agree that this matter can be disposed of by giving suitable directions and hence, the matter is finally disposed of today.

4. The respondents may treat this O.A.228/93 filed before this Tribunal as representation of the applicants and they may dispose it of according to the rules considering the decisions in T.A.218/87 decided on 17.1.89 at Annexure A-4 which was followed subsequently

by this Tribunal in O.A.406/89 decided on 22.1.1993, Annexure A-15 and may consider whether those decisions apply to the present applicants. We may also observe that so far the question of limitation before us is concerned, we are not granting this M.A. for condonation of delay but in view of the fact that the learned advocates agree that the matter may be considered as representations by the respondents, we direct the respondents to consider this O.A. as representation and to decide it within 3 months from today with intimation of the result of the same to the applicants. In order to avoid any possible delay in the decision by the respondents, it would be better if the applicants also send one set of this O.A. to the respondents at the earliest. If the ultimate order passed by the respondents is against to the applicants, they may approach this Tribunal according to the rules. M.A. and O.A. are disposed of accordingly.

M R Kolhatkar

(M.R.KOLHATKAR)

Admn. Member

Date:07/10/1993

Renu

(R.C.BHATT)

Judicial Member

Date:07/10/1993

SSH

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

Application No. CA/228/93 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the ~~Recd. from~~ (Decided).

Dated : 28/10/93

Counter ~~dated~~ : 10/11/93

Section Officer/Court Officer

Sign. of the Dealing Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE 0A/228193 OF 19

NAMES OF THE PARTIES H. K. Shale & Co.

VERSUS

4-0-2 3 Cr.

SR.NO.	DESCRIPTION OF DOCUMENTS	PAGE
1.	C.A.	1 to 42
2.	Reply.	43 to 50
3.	MA/375/93	51 to 54
4.	Reply	55 to 56
5.	Ood Orders dt. 07/10/93	