

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

O.A.No. 310/1993

Ahmedabad this the 26th day of February, 2001

Hon'ble Mr. V. Ramakrishnan, Vice Chairman
Hon'ble Mr. A.S. Sanghavi, Judicial Member

1. All India Postal Employees Union
Class-III & E.D. Agents,
Represented by their Gujarat
Circle Secretary
Shri K.B. Barot
Miss. Panna Chavda & also as per
The details of the affected persons
Who are working as Reserved Trained Pool
Staff (as per enclosed sheet at Ann.A). Applicants

By Advocate: Mr. K.K. Shah

VERSUS

1. Union of India,
To be served through
The Secretary,
Department of Post,
Dak Bhavan, New Delhi.
2. Chief Post Master General,
Gujarat Circle, Ahmedabad.
3. Post Master General
Office of P.M.G. Vadodara.
4. Post Master General
Rajkot.

Respondents

By Advocate: Mrss. P.J. Davawala.

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman

Heard Mr. K.K. Shah. The applicants who are working as Reserved Trained Pool Staff ~~that~~ (their names at Annexure A) have approached the Tribunal seeking the benefit of the judgment of the Tribunal in Jabalpur Bench dated 16.12.1986 in TA 82/86 holding that they are entitled to salary/emoluments per month as is admissible to regular Postal Assistant with effect from the date of their appointment. Their contention is that the Judgment of Jabalpur Bench should be taken as judgment in rem and they should be given the same benefit ~~as~~ the applicants before the Jabalpur Bench. We find that the matter has received the attention of Supreme Court in the case of Union of India & Ors. Vs. K.N. Sivadas & Ors., Civil Appeal No. 80-123 of 1996, where the Supreme Court has not upheld the principles laid down by the Tribunal.

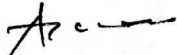
2. In that judgment the Hon'ble Supreme Court has inter alia observed as follows:

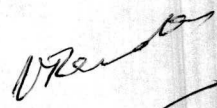
“The Tribunal, in our view, has erred in equating RTPs with casual labourers. The position of these two categories of employees is very different as we have already set out. The Tribunal has also erred in assuming that casual labourers are getting these benefits during the period for which the RTPs are claiming these benefits. RTPs have already obtained the benefit of absorption in regular service because of their own scheme. They, therefore, cannot on the one hand, avail of their own special scheme and at the same time, claim additional

: 3 :

benefits on the basis of what has been given to the casual labourers. This is unwarranted, especially as the period for which they claim these benefits is the period during which such benefits were not available to casual labourers."

3. In the light of the Supreme Court decision Mr. K.K. Shah seeks leave to withdraw the present OA. Leave granted. OA disposed of as withdrawn. No costs.


(A.S. Sanghavi)
Member (J)


(V. Ramakrishnan)
Vice Chairman

Vtc.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD BENCH

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All India Postal Employees APPLICANT(S)

VERSUS

U.A.T. 8 RESPONDENT(S)

I N D E X ----- S H E E T

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Documents kept in 'C' part - 1 to 12

Certified that the file is complete in all aspects.

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Signature of S.O. (R)

[Signature]
Signature of Dealing Hand.