

(6)

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK**

Original Application No. 381 of 1988.

Date of decision : May 3, 1989.

National Union of Postal Employees,
Class III Postman and Class IV of
Mayurbhanj Postal Division, represented by
its President Shri Jayanta Kumar Bhanja, aged
about 50 years, son of late Srinath Chandra Bhanja,
Sub-Postmaster, Hospital Post Office, At, P.O.
Baripada, District-Mayurbhanj.

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Applicant.

Versus

1. Union of India represented by its Secretary,
Department of Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,
At/P.O. Bhubaneswar, District-Puri.
3. Superintendent of Post Offices,
Mayurbhanj Division, At/P.O. Baripada,
District-Mayurbhanj.

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Respondents.

For the applicant ... M/s. Devanand Misra,
Deepak Misra, Advocates.

For the Respondents ... Mr. A. B. Mishra,
Senior Standing Counsel (Central).

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *Y*,
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to give appropriate direction to the respondents to give the employees of Mayurbhanj District the tribal area allowance as contemplated in the circular contained in Annexure-1.

1. In this application, the applicant is the President of National Union of Postal Employees, Class III-Postman and Class IV employees of Mayurbhanj Postal Division.

2. The case of the applicant, in short, is that by virtue of the directives contained in Annexure-1, the Postmen (Class III) and Class IV employees serving in Mayurbhanj Division continuously for 4 years are entitled to tribal area allowance. Hence, the respondents be commanded to give the employees of Mayurbhanj Division the tribal area allowance as per Rules.

3. In their counter, the respondents though admit issuance of directives contained in Annexure-1 yet it is maintained that the employees are transferrable within Mayurbhanj District which is declared as a tribal district as a whole, they are not entitled to tribal area allowance as they are not being transferred outside Mayurbhanj. Hence, this case not being maintainable, is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A. B. Mishra, learned Senior Standing Counsel (Central) at some length. Before we express our opinion in regard to the merit of this case, it is worthwhile to mention that a similar case came up before this Bench forming subject matter of O.A.145 of 1988, disposed of on 3rd January, 1989.

(2)

The view expressed in the said judgment applies mutatis mutandis to the facts of the present case. It may also be mentioned that by virtue of the directives contained in Annexure-1, employees of Class III, Postmen and employees of Class IV category serving in the Tribal area (particularly Mayurbhanj district- so far as the present case is concerned) who have served continuously for 4 years, are entitled to the benefit conferred under Annexure-1. For further clarification reference was made to the Ministry of Communications and under Annexure-R/4 (which formed subject matter of O.A.145 of 1988) clarification was issued by the Ministry which runs thus :

" I am directed to refer to your letter no. Est/1-3/1/88-Borr dt.12.4.88 on the above subject and to clarify that the Tribal area allowance will be admissible after completion of four years of continuous service in one or more of the scheduled tribal blocks as on 1.3.87 or thereafter and subject to the condition for default of Tribal area allowance. "

In view of the directives contained in Annexure-1 and clarification issued as per Annexure-R/4 (in O.A.145 of 1988 quoted above) and in view of our opinion expressed in O.A.145 of 1988 which applies in full force, ^{to this case,} we would direct those employees in Mayurbhanj Postal Division ~~xxx~~ who comply with the ingredients laid down in Annexure-1 and Annexure-R/4 (O.A.145 of 1988) be given tribal area allowance within two months from the date of receipt of a copy of this judgment.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

B.R.PATEL, VICE-CHAIRMAN, I agree.

Central Admin. Tribunal.
Cuttack Bench, Cuttack.
May 3, 1989/Safangi.



3.5.89
Member (Judicial)
3.5.89
Vice-Chairman