

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH
JODHPUR

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Date of order : 16.09.1999

O.A.NO. 211/1995

Duni Ram S/o Shri Dayala Ram aged about 40 years, working as Postal Assistant, Sub Post Office, Rawatsar, District Sriganganagar (Raj), Resident of V&PO Rawatsar, District Sriganganagar (Raj).

.....Applicant.

VS.

1. Union of India through Secretary, Ministry of Postal Services, Door Sanchar Bhawan, Dak Bhawan, New Delhi.
2. Director, Postal Services, Western Region, Jodhpur.
3. Post Master General, Western Region, Jodhpur.
4. Superintendent of Post Office, Sriganganagar (Raj).

.....Respondents.



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CORAM :

HON'BLE MR. A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr.Y.K.SharmaCounsel for applicant.
Mr.Ramesh Singh, Adv. Brief holder for	
Mr.Vineet MathurCounsel for respondents.

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PER MR. A.K.MISRA, JUDICIAL MEMBER :

The applicant has moved this O.A. with the prayer that the impugned order Annex.A/1 dated 23.2.1994 refusing to regularise the applicant as R.T.P. be quashed and the respondents be directed to regularise the services of the applicant rendered as R.T.P. w.e.f. 5.10.1983 to 10.12.1986 with all consequential benefits such as seniority, increments and back wages.

[Signature]

2. Notice of the O.A. was given to the respondents who have filed their reply to which no rejoinder was filed by the applicant.

3. The claim of the applicant is that he was selected for the post of Postal Assistant and was directed for 15 days training. After completion of training, the applicant served the Postal department as Reserve Trained Pool Postal Assistant (for short "R.T.P.") w.e.f. 5.10.1983 to 10.12.1986. During this period, the applicant was paid on hourly basis rather than in the regular scale. It is further alleged by the applicant that number of such R.T.P. candidates were absorbed permanently in the Postal department, were regularised w.e.f. retrospective date with consequential benefits in pursuance of various orders rendered by different Benches of the Tribunal. The case of the applicant is similar in nature and consequently the applicant is entitled to be regularised from the initial date he had rendered duties as R.T.P. The applicant claims that refusal to give such benefit to the applicant amounts to discrimination between similarly placed candidates and is against the rules propounded by the different Benches.



4. The respondents have filed the reply stating therein that in order to meet shortage of regular manpower due to absentism and leave in the department a concept of R.T.P. was developed so that emergency services may not suffer due to absentism etc. and for that purpose after training, candidates were placed in the Reserve Trained Pool for being absorbed as regular candidates as and when vacancies were available. The claim of the applicant for regularisation on the basis of work rendered as R.T.P. before regularisation, is a period when he was not a

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regular employee of the department and was a waiting candidate to be regularised. Therefore, the applicant is not entitled to claim such benefit. The O.A. deserves to be dismissed.

5. We have heard the learned counsels of the parties and have gone through the file.

6. By a separate order dated 7.9.1999 passed in O.A. No. 203/1994, the claim of the similarly situated R.T.Ps was rejected relying on the latest judgment of the Hon'ble Supreme Court dated 1.8.1997 passed in Civil Appeals No. 80- 123 of 1996 (U.O.I. and Ors. Vs. K.N.Sivadas and Others). In this case, the Hon'ble Supreme Court has held that "R.T.Ps are not entitled to regularisation from the initial date of appointment as R.T.P. nor they are entitled to regular pay equal to the regular employees of their cadre in the department." The Hon'ble Supreme Court has further held that "Any service which was rendered prior to regular appointment in the cadre, cannot count for the purpose of this rule because it cannot be considered as service in any eligible cadre. The Tribunal was, therefore, wrong in granting to RTPs the benefit of service rendered by them prior to their regular appointment for the purpose of their eligibility to appear for the departmental promotion examination." Thus by this judgment of the Hon'ble Supreme Court, the position has now been settled that the R.T.Ps are not entitled to get benefit of regularisation, pay and other benefits for the period they remained as R.T.P. before their actual regularisation and absorption by the department.



Signature



7. The case of the applicant is fully covered by our earlier order cited above. The Rule propounded by Hon'ble Supreme Court covers the case in all respect, therefore, the applicant is not entitled to any relief as claimed by him.

8. Thus, the O.A. in our view, has no merits and deserves to be dismissed. The same is hereby dismissed. The parties are left to bear their own costs.

Gopal Singh

(GOPAL SINGH)
Adm. Member

A.K. Misra
16/9/99

(A.K. MISRA)
Judl. member

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