

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of order : 1.12.1999

O.A.NO. 276/97

1. Shri Bhagwan Ram S/o Shri Daulat Ram age 36 years, R/o Berawala Bas, Bhadwasia, Jodhpur at present O.A. in the O/O S.S.P. Jodhpur.
2. Bhagat Raj S/o Shri Achalu Ram aged 35 years R/o First B Road Sardarpura, Jodhpur at present P.A. Post Office Girdikot, Jodhpur.
3. Askar Khan S/o Shri Subhan Khan aged 36 years R/o Rajive Gandhi Colony, Jodhpur at present P.A. Post Office Nandanvan, Jodhpur.
4. Ram Lal S/o Shri Balu Ram aged 34 years R/o 56 Bank Colony Jodhpur at present P.A. Head Office, Jodhpur.
5. Jetha Ram S/o Shri Naina Ram aged 34 years R/o Bali Distt. Pali, at present P.A. Post Office Bali.
6. Chaturbhuj S/o Shri Anna Ram aged 34 years R/o House No. 33-A Kaga Dandi Jodhpur at present Accountant O/O S.S.P. Jodhpur.
7. Prem Prakash S/o Shri Gopal Ji aged 36 years R/o 9/411 Chopasni Housing Board, at present P.A. H.O. Jodhpur.
8. Kanhiya Lal S/o Shri Rani Dan Paliwal aged 35 years R/o 208 BJS Colony Jodhpur at present O.A. S.S.P. Office Jodhpur.
9. Giri Raj S/o Shri Ramrakh, aged 38 years R/o Hathi Ram Ka Oda at present P.A. Post Office Kutchery Jodhpur.
10. Pancha Ram S/o Shri Amluram aged 39 years R/o Phalodi at present P.A. in Post Office Phalodi, Jodhpur.
11. Nenumal S/o Shri Ramjivan aged 34 years R/o Moti Dungri, Alwar at present P.A. in Post Office Moti Dungri.
12. Ram Singh S/o Shri Mahesha Ram aged 40 years R/o Phalsund Distt. Barmer at present S.P.M. Phalsund Distt. Barmer.
13. Surya Prakash S/o Shri Punam Chand aged 37 years R/o Parjapathi Kirsna Store, Merta Road, at present P.A. Shastri Nagar Jodhpur.
14. Shaitan Singh S/o Shri Bhanwar Singh aged 36 years R/o Malinath Market Barmer at present P.A. in H.O. Barmer.
15. Lal Ram S/o Shri Uda Ram aged 32 years R/o Ramdeora Distt. Jaisalmer at present S.P.M. Nachana.

16. Dilip Kumar S/o Shri Mangilal aged 33 years, R/o Village Khichan at present S.P.M. Khichan Post Office.
17. Dala Ram S/o Shri Ram Chander aged 32 years R/o Bhopalgarh Distt. Jodhpur at present P.A. Post Office Bhopalgarh.
18. Maya Meghani W/o Shri Manohar aged 38 years R/o Malinath Market Barmer, at present P.A. H.O. Barmer.
19. Kamal Kishor S/o Shri Jeth Mal aged 33 years R/o C-82 IIInd Ext. K.N.Nagar Jodhpur at present P.A. Shastri Nagar Jodhpur.
20. Shri R.P.Tiwari S/o Shri Kunji Ram aged 49 years R/o Gulab Sagar Jodhpur at present S.P.M. Jawahar Chowk Jodhpur.

.....APPLICANTS.

VERSUS

1. Union of India through Secretary Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. Post Master General (West Region) Shastri Nagar, Jodhpur.
- Senior Superintendent Post Offices, Railway Station Road, Jodhpur.

.....RESPONDENTS.

CORAM :

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

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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Mr.K.S.Chouhan, Counsel for the applicants.
Mr.Vineet Mathur, Counsel for the respondents.

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PER MR.A.K.MISRA :

The applicants have filed this O.A. with the praye that the respondents may be directed to grant the same benefits to the applicants vis-a-vis regular employees of the department for the period of R.T.P. with the salary and arrears along with interest @ 18% p.a. T)

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respondents be further directed to regularise the applicants with full salary vis-a-vis regular employees who have been granted these benefits by various other circles for the period of R.T.P. The applicants have further prayed that the period of R.T.P. short duty be counted for purposes of seniority and the department be directed to assign appropriate position in the seniority list.

2. Notice of the O.A. was given to the respondents who have filed their reply in which it is stated by the respondents that recruitment of Reserve Trained Pool (for short "RTP") Postal Assistants was done in the year 1982-83. These candidates were given practical training as per rules and after completion of training they were engaged from time to time as per the requirements on daily wage basis. On occurring the vacancies in the department in the year 1987 and afterwards they were given regular appointment in the department. The applicants are in any case not entitled to benefit of regular pay and seniority etc. for the period they remained RTP. It is further stated by the respondents that the order rendered by the Ernakulam Bench in a similar matter was debated upon before the Hon'ble Supreme Court in Civil Appeals No. 80-123 of 1996 - Union of India and Others Versus K.N.Sivada and Others and the order of the Ernakulam Bench was reversed. In view of the decision of the Hon'ble Supreme Court the applicants are not entitled to any relief as claimed by them. The O.A. deserves to be dismissed.

3. We have heard the learned counsel for the parties and gone through the case file. The learned counsels for t

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parties advanced their arguments as per their pleadings and cited rulings in support thereof which we have also considered. In our opinion the principle laid down in the judgment pronounced by Hon'ble Supreme Court in Civil Appeals Number 80-123 of 1996 - Union of India and Others Vs. K.N.Sivadas and Others would guide the matter in hand. It was held in that judgment by Hon'ble Supreme Court that the RTPs are not entitled to regularisation from the initial date of their appointment as RTP. It was also held that they are not entitled to regular pay equal to the regular employees of the cadre in the department. Following the principles laid down by the Hon'ble Supreme Court in the aforementioned case we have also rendered our order in O.A. No. 203/1994- All India Postal Employees Union Class III etc. and Others Vs. Union of India and Another. We do not find any reason to differ from the earlier pronouncement. Moreover, in the instant case the principle laid down by the Hon'ble Supreme Court which is quoted as follows, fully covers the controversy in hand.

"..... It has further been observed that "we find that the reliefs which were granted by the Tribunal are wholly unwarranted, looking to the service conditions of RTPs as compared to the service conditions of casual labours." While concluding the Hon'ble Apex Court has held as under :-

"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."

4. In view of what has been discussed above, the applicants are not entitled to any of the reliefs as claimed by them. The O.A. deserves to be dismissed and is, therefore, hereby dismissed. No orders as to cost.

Gopal Singh
(GOPAL SINGH)
Adm. Member

A.K. Misra
(A.K. MISRA)
Judl. Member

① Sent to Reg A/d Applicant
Vodno 345 H. 13-12-99

② F/C on 12/99
Lawes 12/99

Part II and III destroyed
in my presence on 22.7.99
under supervision of
Section Officer () as per
order dated 16/12/99

Section Officer (Record)