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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 150/2009
JODHPUR: THIS THE 26th August, 2010**

**CORAM
HON'BLE DR. K.B.SURESH, JUDICIAL MEMBER
HON'BLE MR. V.K. KAPOOR, ADMINISTRATIVE MEMBER**

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Bhagirath Ram Bishnoi S/o Shri Gordhan Ram, aged about 46 years, resident of Village and Post Banwarla, Via Banar, District Jodhpur presently working on the post of Sub Post Master in Rasala Road Post Office, Jodhpur.

**.....Applicant
[For the applicant Mr. S.K.Malik, Advocate]**

Versus

- 1-. The Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
- 2-. The Director, Postal Services, Rajasthan Western Region, Jodhpur.
- 3-. The Senior Superintendent of Post Offices, Jodhpur Division, Jodhpur.

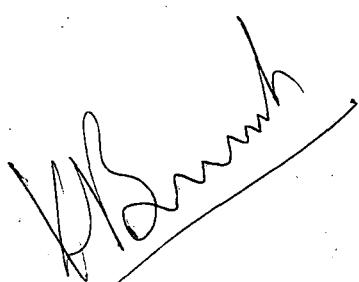
.....Respondents.

[For the respondents Mr. M. Godara, for Mr. Vineet Mathur, Advocate]

ORDER (ORAL)

PER DR. K.B.SURESH :

The applicant joined as RTP Postal Assistant and was sent on deputation to the Army Postal Service (APS) and joined at APS on 14.11.1984. In 1991, he joined back from APS to the parent department. In 2004, he was granted higher grade pay

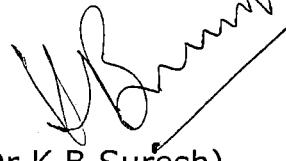


under the TBOP Scheme w.e.f. May 2003. In March, 2007, applicant submitted a representation to the effect that he is on equivalent footing with others for whom the APS service was counted for TBOP and, therefore, he requested to be made eligible for the same benefit in his case which is covered by a catena of judgements of Hon'ble Apex Court that past service are also to be counted. The applicant would rely on an order of a coordinate bench of this Tribunal in OA No. 51/2005 dated 7th February, 2007 – **Ram Lal Vs. UOI & Ors.** It appears that Hon'ble the Apex Court on 9th June, 2006 in Civil Appeal 5739/2005 - **M. Mathivandan Vs. Union of India**, held that ad hoc services rendered in APS by the Postal Assistants under RTP Scheme should be counted for grant of benefits under TBOP Scheme. But, the respondents would say that since there will be a financial implication in extending the benefit of judgement to similarly placed PA's, the Directorate, New Delhi called for information vide letter dated 30.3.2009 and the name of the applicant was sent to the Directorate, New Delhi, through proper channel on 4.5.2009 and since then, the matter is pending. But, apparently, vide letter of the D.G., (Post), New Delhi, dated 4.6.1983, the representation of the applicant was rejected but, then much water had flown under the bridge thereafter, and there cannot be any doubt that the benefits are equally available



to the applicant as directed by the Hon'ble Supreme Court. Thus, the orders at Annex. A/1, dated 12.3.2009 and A/2 dated 31.7.2007, are quashed and the respondents are directed to grant the benefit of TBOP Scheme to the applicant from the date on which he completed 16 years of regular service counting his previous service also, which may be 14.11.2000 with all consequential benefits flowing from it with the arrears of Pay, within a period of three months' and if the respondents failed to make such payment within this stipulated time, then Interest on the Total amount due @ 12% per annum till realization, be also paid to the applicant. The O.A. is allowed as above, with no order as to costs.

Kapoor
(V.K.Kapoor)
AM


(Dr.K.B.Suresh)
JM