

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 436 of 1996.

Monday this the 30th day of June 1997.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

1. A.G. Anil, Postal Assistant, Kottayam Head Post Office, residing at Ajith Mandiram, Kooroppada P.O., Pampady, Kottayam.
2. Thressiamma Thomas, Postal Assistant, Kaduthuruthy P.O., residing at Padavathil House, Kallara South, Kottayam District.
3. Jessy Daniel, Postal Assistant, Muttuchira Post Office, residing at Neerackal House, Muttuchira P.O., Kottayam District.
4. P.B. Saseendran Nair, Postal Assistant, Ayarkunnam Post Office, residing at 'Resmi Bhavan', Perumbaikad, P.O., Kottayam.
5. G. Mayadevi, Postal Assistant, Manjoor, Post Office, residing at: 'Devika House', Manjoor P.O., Kottayam.
6. S. Jalajamoni Amma, Lower Division Clerk, Kottayam Head Post Office, residing at Thammattu, Vempally, Kottayam.
7. K. Lathamol, Postal Assistant, Priyadarshini Hills Post Office, Kottayam, residing at Pootharayil House, Kurumpullur P.O., Kanakari, Kottayam.
8. P.C. Premkumar, Postal Assistant, Kottayam Head Post Office, residing at Pongona House, Arpookara East Post Office, Kottayam - 8.
9. T.C. Chacko, Postal Assistant, Kottayam Head Office, residing at Koithra House, S.V. Puram P.O., Changanacherry. .. Applicants

(By Advocate Shri P.C. Sebastian)

Vs.

1. The Senior Superintendent of Post Offices, Kottayam Division, Kottayam-686 001.
2. The Superintendent of Post Offices, Changanacherry Division, Changanacherry.
3. The Senior Superintendent, Railway Mail Service, Department of Posts, Thiruvananthapuram.
4. Chief Postmaster General, Kerala Circle, Thiruvananthapuram - 695 033 .. Respondents

(By Advocate Shri James Kurien, ACGSC)

The application having been heard on 30th June 1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants nine in number were recruited as Postal Assistants in the Reserved Trained Pool during the years 1982 and 1984. After the completion of their training their services were utilised on hourly basis. However, all the applicants were absorbed in the regular cadre on various dates in the year 1990. While the applicants were serving as RTP Postal Assistants they were paid remuneration not at par with the regular Postal Assistants, but only on an hourly basis depending on the period for which their services were utilised. Aggrieved by this some of the RTP Postal Assistants approached the Hon'ble High Court of Kerala filing O.P.No 3615/85, O.P.No. 7911/85 and O.P. No. 6431/85 seeking parity with the regular postal employees in the matter of pay, holidays, bonus etc. These petitions were transferred to this Tribunal. They were renumbered as TAK-132/87, TAK-520/87 and TAK-765/87 respectively and they were

disposed of by an order dated 25.2.88. It was inter alia observed in those cases as follows:

"In the conspectus of the fact and circumstances we allow these petitions to the extent of directing that the petitioners are entitled to same pay and allowances as are applicable to the regular employees for the periods they have worked as SDSAs or otherwise from the Reserved Trained Pool. They should be given the arrears of pay and allowances on a pro-rata basis for the period of their employment reckoned from the dates of filing of the respective petitions. They will also be entitled to all paid holidays as are admissible to regular staff....."

2. This order was followed in another case filed by similarly situated RTP Postal Assistants in Transfer Application K. No.522/87 (O.P.No.7941/85) decided on 10.6.88. The Senior Superintendent of Post Offices, Kottayam Division, by his letter dated 8.3.94 forwarded a copy of the order of the Tribunal in TAK No. 522/87 to all the officers directing the implementation and disbursement of arrears to the concerned staff. Pursuant to the above the Senior Superintendent of Post Offices, Kottayam has implemented the directions as is seen from Annexure A-3. Coming to know of the implementation of the directions of the Tribunal in TAK-522/87 the applicants made representations claiming the arrears of weekly holidays and pro-rata wages. These representations of the applicants were rejected by the impugned orders A-4 series, stating that as the applicants were not parties to O.P. 7941/85 and the order not being a declaratory one they are not entitled to any benefits flowing therefrom, and that their requests cannot be acceded to. It is aggrieved by that the applicants have filed this application, seeking to have the Annexure A-4 series quashed, for a declaration that they are entitled to grant all the benefits which were

granted to the applicants in Annexure A-1 judgement and for a direction to respondents to draw and disburse the arrears due to the applicants, being the difference of wages and paid holiday wages to the applicants herein in the terms of Annexure A-1 judgement."

3. The respondents resist the prayers mainly on the ground that the claim of the applicants is barred by limitation. They also contend that the judgement of the Tribunal in TAK-522/87 not being a declaratory one, the applicants do not get a cause of action on the basis of the above decision.

4. The Original Application was admitted by order dated 15.4.96 but it was made clear in the order of admission that the question of limitation was open to contest.

5. I have heard Shri P.C. Sebastian, learned counsel for applicant and Shri James Kurien, Additional Central Government Standing Counsel appearing for respondents. Before going into the merits of the case it is necessary to consider the plea of limitation raised by the respondents.

6. The claim of the applicants for difference in wages and wages for the holidays pertain to the period between 1982 and 1990 when the applicants were working as RTP Postal Assistants. This claim has been put forth by the applicants for the first time when they made representations on 9.2.95. This monetary claim of the applicants was barred even when it was put forth in their representation on 9.2.95. The question is whether the implementation of the order of the Tribunal in TAK-522/87 has given the applicants a fresh cause of action. The applicants in TAK-522/87 were identically situated RTPs as the applicants. But long before,

they were regularly appointed they sought enforcement of their rights and got a favourable order on 10.6.88. Even then, the applicants did not make their claim. Now that the payment was made to the applicants in TAK-522/87 in the year 1994, these applicants for the first time came forward with a claim which had been hopelessly barred by limitation.

7. In the light of what is stated above, I find that there is no subsisting claim of the applicants to be enforced as the claim had already been barred by limitation. The application is therefore, dismissed leaving the parties to bear their costs.

Dated the 30th June 1997.



A.V. HARIDASAN  
VICE CHAIRMAN

rv

## LIST OF ANNEXURES

1. Annexure A1: True copy of the Order of the Central Administrative Tribunal, Madras Bench in T.A.K. 522/87(O.P.No.7941/85) dated 10.6.1988
2. Annexure A3: True copy of Letter No.B2/RTPA/Dlg dated 30.6.1994 sent by 1st respondent to the Senior Postmaster, Kottayam
3. Annexure A4: True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 1st applicant
4. Annexure A4(a): True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 2nd applicant
5. Annexure A4(b): True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 3rd applicant
6. Annexure A4(c): True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 4th applicant
7. Annexure A4(d): True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 5th applicant
8. Annexure A4(e): True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 6th applicant
9. Annexure A4(f): True copy of letter No.B2/RTPA/Dlg dated 7.4.1995 sent by 1st respondent to the 7th applicant