

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 593/91
T. A. No.

199

DATE OF DECISION 11.9.91

P. Ramakrishnan and 14 Ors. Applicant (s)

Mr. Gracious Kuriakose Advocate for the Applicant (s)

Versus

The Sup dt. of Post Office, Respondent (s)
Cannanore and 3 others.

Mr. P. Sankarankutty Nair, Advocate for the Respondent (s)
ACGSC.

CORAM:

The Hon'ble Mr. NV Krishnan Administrative Member

The Hon'ble Mr. N. Dharmadan Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? X
3. Whether their Lordships wish to see the fair copy of the Judgement? X
4. To be circulated to all Benches of the Tribunal? X

JUDGEMENT

SHRI N.V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicants before us are Postal Assistants

selected for appointment by promotion as Inspectors of

Post Offices who were sent for training for a 4 weeks

Course at PTC, Mysore w.e.f. 20.8.90. The Annexure A order

dated 17.8.90 issued by the first respondent to the first

applicant in this connection states in paragraph 3 that the

official is not entitled for any DA for stay at PTC, Mysore

as it is a prepromotional training. Others have also been

similarly informed. The applicants contend that when they

requested the 1st and 2nd respondents to pay DA for the training period they were told that in accordance with the impugned letter dated 8.3.89 (Anne.B) they are not entitled to DA for the training period.

2. The applicants have also submitted that in a similar matter a decision has already been rendered by this Tribunal on 18.12.89 in OA-315/89 in which it has been made clear that in these circumstances also, the officials deputed for training are entitled to get TA and DA. It is also stated by the applicant that though this judgement was brought to the notice of the 1& 2 respondents they have refused to follow that judgement. A copy of the judgement is at Annexure-C.

3. In the circumstances, the applicants have prayed for quashing of the Annexure-A & B orders by which they are denied DA during the training and for direction to the respondents to pay the applicants this amount.

4. In their reply the respondents have stated that the Annexure C judgement, relates only to Postmen and other lower grade officials promoted as Postal Assistants or Sorting Assistants only. By implication they submit that the judgement would not apply to other cases of

promotion like the case of a Postal Assistant selected for training consequent on promotion as Inspector of Post Offices.

5. We have heard the parties and perused the records. The judgement at Annexure C has specifically quashed Annexure IV and Annexure V letters produced in that application. Annexure V of that case is the same as Annexure B letter, in the present case. In addition, it also quashed the original letter dated 17.8.87 to which Annexure B letter is a clarification. That letter was produced as Annexure IV in that case. Thus neither the original letter dated 17.8.87 nor the Annexure B letter which is a clarification thereto and denied TA and DA is now in existence after they have been quashed by the Annexure C judgement. Therefore, the denial of TA/DA to the applicant has no basis. In this view of the matter, we do not find it necessary to examine any other point and conclude that these applicants are also entitled to the benefit of the judgement at Annexure C.

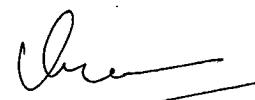
6. Accordingly, we quash para 3 of Annexure-A circular dated 17.8.90. The Annexure-B dated 8.3.89 has already been quashed and no further direction is

needed in this regard. We direct the first respondent to pay the applicants, within a period of two months from the date of receipt of this judgement, the benefits which have been denied to them by the Annexure A letter but are requested to be granted by the Annexure C judgement.



(N DHARMADAN)
JUDICIAL MEMBER

11. (b:91)



(N.V. KRISHNAN)
ADMINISTRATIVE MEMBER

11.9.91