

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.608/2000

Wednesday this the 24th day of January, 2001

CORAM

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

Smt.P. Premalatha,  
Postal Assistant,  
Angamaly Post Office,  
Angamaly.

...Applicant

(By Advocate Mr. John Joseph)

v.

1. Senior Superintendent of Post Offices,  
Aluva.683 101.

2. Post Master General, Cochin  
Office of PMG, Ernakulam.

3. Union of India,  
represented by the Secretary to  
Government of India,  
Department of Posts,  
New Delhi.

...Respondents

(By Advocate Mr. M.R.Suresh, ADDL:GENERAL GOVT:STANDING  
COUNSEL)

The application having been heard on 24.1.2001, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant was taken as a R.T.P. Postal  
Assistant with effect from 3.2.83 and was in receipt of  
wages on an hourly rate. She was absorbed on a regular  
post in the Postal Department as Postal Assistant on  
29.5.90. In between on 28.1.86 she underwent a  
laproscopic surgery for sterilisation. Claiming that  
she is entitled to an incentive in the form of advance  
increment for adopting small family norms, she made a  
representation to the Senior Superintendent of Post

contd....

Offices but the same was rejected on the ground that as she was not a regular employee under the Postal Department at the time when she underwent the sterilisation surgery, she was not entitled to the advance increments. She took up the matter before the Chief Post Master General (Second respondent) who also by the impugned order Annexure.A2 rejected her claim on the ground that in terms of the Judgement of the Hon'ble Supreme Court regarding service benefits of RTPs, the applicant is not entitled to the incentive for adopting small family norms as she was at the time when she underwent the surgery not in regular service of the Postal Department but was only a Reserve Trained Pool official. Aggrieved the applicant has filed this application for the following reliefs:

- (i) To quash Annexure.A2.
- (ii) To direct the respondents to grant family planning allowance and all other benefits consequent to the adoption of family planning to the applicant retrospectively from the date on which the applicant underwent laproscopic sterilisation.
- (iii) To grant such other reliefs as may be prayed for and the Hon'ble Tribunal may deem fit to grant in the interests of justice, and
- (iv) To grant the cost of this original application.

2. The respondents resist the claim of the applicant on the ground that the applicant not being a regular employee of the Department on the date on which she underwent the sterilisation surgery, she is not entitled to the benefits.

contd....

.3.

3. I have heard the learned counsel of the applicant. I find that the order intimating the applicant that she is not entitled to the benefit of incentive to the officials adopting small family norms because at the time when she underwent the sterilisation surgery, she was not a regular government employee of the Postal Department cannot be faulted. The Apex Court while disposing of the SLP filed against O.A. 814/90 and connected cases of the Ernakulam Bench of the Tribunal has held that the R.T.P. candidates are not regular departmental employees and that no service benefit would be available to them.

4. Since the applicant was not a regular employee of the Postal Department at the time when she underwent the laproscopic surgery, I am of the considered view that the applicant is not entitled to the benefit sought for. Hence the application fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 24th day of January, 2001

  
A.V. HARIDASAN  
VICE CHAIRMAN

S.

List of annexure referred to:

Annexure.A2:True photo copy of the letter No.BB 47/FP/Genl dated 6.4.2000.

...