

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 79 OF 2011, O.A. NO. 119 OF 2011,  
O.A. NO. 988 OF 2011, O.A. NO. 31 OF 2012,  
O.A. NO. 1150 OF 2012, O.A. NO. 1151 OF 2012**

**&**

**O.A. NO. 1014 OF 2010**

Tuesday this the day 1<sup>st</sup> of October, 2013

**CORAM:**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

**1. O.A. NO. 79 OF 2011**

K.S.Beena  
Sub Postmaster  
Malayattoor PO  
Residing at Pattathil House  
Manickamangalam PO  
Kalady, Ernakulam District – 683 574 ... **Applicant**

(By Advocate Ms.Rekha Vasudevan)

versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications  
New Delhi
2. The Chief Postmaster General  
Kerala Circle, Thiruvananthapuram, Kerala
3. The Director of Postal Services (HQ)  
Office of the Chief Postmaster General  
Kerala Circle, Thiruvananthapuram, Kerala
4. The Superintendent of Post Offices  
Aluva Division  
Aluva, Kerala – 683 101
5. The Director (Staff)  
Department of Posts  
Ministry of Communications & IT  
New Delhi – 110 001

... **Respondents**

(By Advocate Mr.S.Jamal, ACGSC)

**2 O.A. NO. 119 OF 2011**

1. G. Rajmohan, TC 25/1548,  
West Thampanoor, Trivandrum 695001  
(Office Assistant, Office of the SSPOs, Trivandrum 695001).
2. S. Viswanathan Nair, Chaarvakom, Vellayani,  
Nemom P.O., Trivandrum - 695020  
(Postal Assistant, Trivandrum GPO 695001)
3. R. Hemalatha, Lekshmi Mandiram,  
Chennakkod Perinad 691603  
(SPM, East Kallada P.O.)
4. J. Girija Kumari, Sankarathil, Pottur West,  
Mavadi P.O. 691507 (SPM, Nilamel P.O.)
5. V. Ganaselvam TC 40/946 (3), Saras 55C,  
Sreevaraham, Manacaud P.O. 695009  
(Postal Assistant, Trivandrum GPO 695001 ).
6. T. Muthaiyan, TC 40/946 (3) Saras 55C  
Sreevaraham, Manacaud P.O. 695009  
(Postal Assistant, Vallakadavoo P.O. 695008).
7. S. Udayakumar, Souparnika KRIPA 77,  
Mankulam Lane, Pappanamcode,  
Trivandrum 695018  
(Postal Assistant, Trivandrum GPO 695001).
8. M. Suresh Kumar, Padmasree TC 9/2392 ANRA 136-c,  
Edavacode, Trivandrum 695017  
(Postal Assistant, Trivandrum GPO 695001).
9. L. Sheela, Nandanam, TC 4/460-3, Ambalamukku,  
Kaudiar, Trivandrum 695003  
(Accountant, Trivandrum GPO 695001)
10. M.P. Chandramohan,  
Arun Nivas, Chettipurakal, Near Edaicode,  
Kanyakumari 629152  
(Postal Assistant, Trivandrum GPO 695001).
11. R. Bhageerathi, TC 37/1901-1,  
Karikattumadam, West Fort, Trivandrum 695023  
(Postal Assistant, Trivandrum GPO 695001).
12. Rema Paul, TC 7/1129-2 Vettamukku,  
Trivandrum 695013  
(Accountant, O/O. SSPOs, Trivandrum 695001 ).
13. B.Sudhama, TC 11/966-1,  
Thattinakam Nalanchira  
(Postal Assistant, Trivandrum GPO 695001)
14. Prabha J. Poovattil, House No. 65 Puliur Gardens,  
Nalanchira P.O. (Sub Postmaster, Vattapara P.O. 695028).

15. M.A. Mary, TC 13/770/1 KVRA 322 Vanchiyur  
Trivandrum 695035 (Postal Assistant, Tv. University P.O. 695034).
16. K. Vasuki, TC 13/416, Ambadi, Moolavilakam  
Kunnukuzhy, Vanchiyoor P.O.  
(Postal Assistant, Vanchiyur P.O. 695034).
17. V. Kasthuri Bai, 19/400, Chettiyarmadam,  
Neyyur P.O. (Postal Assistant, Trivandrum AG's P.O. 695001).
18. S. Sulochana, KRA 99, Kedaram Nagar, Pattom Palace,  
Trivandrum 695004  
(Postal Assistant, Trivandrum GPO 695001).
19. L. Rema, Postal Assistant, Deepasree  
Sagara 92/2 Kudappanakunnu P.O. 695043  
(Trivandrum AG's P.O. 695001).
20. G. Jayalakshmi, 10, Gayatri Gardens, Kaimanam  
Trivandrum 695040 (Postal Assistant, Trivandrum GPO 695001 ).
21. Rajalekshmi Antherjanam, VP/2/959 Nandanam, Ranni Lane,  
Perorkada. (Postal Assistant, Trivandrum GPO 695001).
22. A. Radha, TC 28/1935 Kizhakke Madam, Tv Fort P.O. 695023  
(Postal Assistant, Trivandrum GPO 695001)
23. S. Sreelatha, Sivoham Ottukal Street, Kaithamukku,  
Tv Pettah P.O. 695024  
(Postal Assistant, Trivandrum GPO 695001)
24. S. Suma, Sumam TC 3/1280-1, KPRA 181,  
Mankulam Lane, Pattom Palace P.O.  
(Postal Assistant, Trivandrum GPO 695001)
25. S. Usha Devi, Sreerangam Jyothi Nagar 81,  
Kesavadasapuram, Trivandrum 695004.  
(Sub Postmaster, Palkulangara P.O. Tv. Pettah 695024.)
26. T.P. Sreebhavani, Postal Assistant  
Trivandrum GPO 695001
27. R. Krishna Kumari, 10 VKK Nagar, Vallakadavoo P.O  
Trivandrum 695004 (Office Assistant, PSD, Trivandrum 695023.)
28. B. Vikraman Achary, Rajendra Sadanam  
Kizhavor, Mukhathala P.O. (SPM, Thekkevila P.O.)
29. S. Sairakumary, Gopa Kripa, Asramom Garden 75  
Asramom P.O. 695002 (SPM, Eravipuram P.O.)
30. G. Ushakumary, Madhava Vilasom, Melode, Adur  
(APM Adur Kerala HO.)
31. V. Aji, Vathiyarvila Veedu, Edakida, Ezhukone  
(SPM Odanavattom P.O.)

32. P .S. Letha, Swathi, Bhoothakulam P.O  
(SPM, Bhoothakulam P.O.)
33. Leena Bhasker, Manohara, Kottapuram, Paravur P.O  
(Postal Assistant, Bhoothakulam P.O.)
34. N. Sheela, Santhram, Ayirakuzhy, Chithara P.O  
(SPM, Chithara P.O.)
35. J.R. Mallika Devi, Sreedarshan, Palace Nagar 12A  
Thevally P.O. (SPM, Thirumullavaram 691012)
36. S. Remadevi, Kalpakom, Kulangara bhagom  
Chavara P.O. (SPM Neendakara P.O.)
37. A. Vijayalekshmi Amma, Neduvathuvila Veedu  
Cheriyela, Alammoodu, Mukhathala P.O.  
(Office Assistant, SSPOs, Kollam 691001.)
38. K. Vijalekshmi, Sreelekshmi, MNRA 108  
Ramankulangara, Kavanad P.O  
(Office Assistant, SSPOs Kollam 691001.)
39. K. Syamala, Amaravathy, Mampallikunnam,  
Chathannoor P.O. (Postal Assistant Kottiyam P.O.)
40. L.S. Sylvia, Soma Bhavan, Mayyanad P.O.  
(Postal Assistant, Kollam HO.)
41. T. Girija, Ayaira, CKP Perinad  
Postal Assistant, Kollam HO.)
42. S. Sunila, Kollasseril, Prayar P.O. 690547  
(SPM, Athinad North P.O.)
43. Lekha Ravindran, Sreevalsam, Padasouth,  
Karunagappally P.O. (SPM, Kulasekharapuram P.O.)
44. P. Unnikrishnan Nair, Krishna Vilasam,  
Mavarakonam, Kalluvathukkal  
(SPM, Thekkumbhagam P.O.)
45. T. Mathews Mathew, Thayyil Kizhakkedathil  
Perumpuzha PO 691 504  
(Postal Assistant, Kollam HO)
46. R. Renuka Devi, Sreevignesh, MCRA 103  
Thirumullavaram P.O. (Postal Assistant, Kollam Civil Station).
47. C. Lilly, Layam, Gandhi Mukku, Kottarakara P.O  
(Postal Assistant, Kollam HO.)
48. L. Anantharamalekshmi, Vasantham, Devi Nagar 342  
Thirumullavaram P.O. 691012 (SPM, Thevally P.O.)
49. J. R. Padmaja Devi, Aramom, Shoba, Thirumullavaram P.O.  
( Postal Assistant, Kollam Cutchery P.O.)

: 5 :

50. R. Sureshkumar, Suranya, Thazham North, Chathannoor P.O.  
(Postal Assistant, Thangassery P.O.)
51. P. Sheeba, Rohini, Thottumkara, Mayyanad P.O.  
(SPM, Pullichira P.O.)
52. P.J. George Kutty, Parasseril House, Melkavu, Kottayam H.O.  
Postal Assistant, Kottayam H.O.)
53. S. Alex, Junior Accountant, Velliavilai (Aruganthottu Vilai)  
Palappallam P.O. 629159, Kanyakumari District  
(Office of the Director of Postal Accounts, Trivandrum).
54. A. Meetheen Pillay, 9/1, Sabnam, Near Govt. Higher  
Secondary School, Thiruvithamcode P.O.  
(Senior Accountant, Office of the DAP, Trivandrum).
55. S. Lakshmi, TC 20/2876, Hari Saras, SRA 193,  
Karamana P.O. 695002  
(Sub Postmaster, Tv Govt. Press P.O  
Trivandrum 695001) ... Applicants

(By Advocate Ms.Laila Sunil)

versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications  
New Delhi
2. The Chief Postmaster General  
Kerala Circle, Thiruvananthapuram – 695 001
3. The Director of Postal Services (HQ)  
Office of the Chief Post Master General, Kerala Circle,  
Thiruvananthapuram.
4. The Superintendent of Post Offices,  
Thiruvananthapuram Division  
Thiruvananthapuram.
5. The Superintendent of Post Offices  
Kollam Division, Kollam
6. The Superintendent of Post Offices  
Pathanamthitta Division, Pathanamthitta
7. The Superintendent of Post Offices  
Kottayam Division, Kottayam
8. The Director (Staff)  
Department of Posts  
Ministry of Communications & IT  
New Delhi – 110 001 ... Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil, ACGSC)

**3. O.A. NO. 988 OF 2011**

1. D. Sheela  
Jaya Bhavan, Agarathuvila, Kadavattaraam  
Neyyattinkara 695121 (Accountant, MACP II, HRO RMS,  
Trivandrum Division, Trivandrum 695001).
2. T.S. Jayalekshmi  
5-A, Sun Elegance, Kesavan Nair Road, Poojapura P.O.,  
Thiruvananthapuram 695012.  
(OA MACP II, HRO RMS, Trivandrum Division  
Trivandrum 695001).
3. V.S. Kumari Sudha  
Ashtamy, College Road, Dhanuvachapuram 695503  
(OA MACP II, HRO RMS, Trivandrum Division  
Trivandrum 695001).
4. P. Padmavathy, TC 58/963,  
Chithirai, Padassery Lane, Attukal, Manacaud P.O  
Thiruvananthapuram - 695009  
(OA MACP II, HRO RMS, Trivandrum Division,  
Trivandrum 695001).
5. S. Jalajambika , Shanmugha Vilasam  
Theviyode, Vithura P.O. 695551  
(OA, MACP II, HRO RMS, Trivandrum Division  
Trivandrum 695001).
6. L. Usha Devi, TC4/935,  
Sree Chitira Nagar, Kurisuvllakathu Veedu,  
Kowdiar P.O., Thiruvananthapuram 695003  
(OA MACP II, HRO RMS, Trivandrum Division,  
Trivandrum 695001).
7. L. Seethalekshmi Amma, Anjanam, TC-6/281 (23)  
Nethaji Road, Prasanthi Gardens, Vattiyurkavu P.O.,  
Thiruvananthapuram 695013  
(OA MACP II, HRO RMS, Trivandrum Division  
Trivandrum 695001).
8. S. Vijayakumari  
Thulaseedharan, V.T. Bhavan, Dhanuvachapuram P.O. 695503  
(SA MACP II, HRO RMS, Trivandrum Division  
Trivandrum 695001).
9. M. Spain Rose, Thoufeek, House No. 15,  
Vikhas Nagar, Ambalathara, Poonthura P.O  
Thiruvananthapuram 695026  
(Accountant MACP II, BPC, Trivandrum 695023).
10. V. Vanajakumari,  
Devika, TC 22/583 (3) Konchira Vila, Manacaud P.O  
Thiruvananthapuram 695009  
(SA MACP II, BPC, Trivandrum 695023). ... Applicants

(By Advocate Ms.Laila Sunil)

versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications  
New Delhi.
2. The Chief Postmaster General  
Kerala Circle, Thiruvananthapuram – 695 001
3. The Director of Postal Services (HQ)  
Office of the Chief Post Master General, Kerala Circle,  
Thiruvananthapuram.
4. The Senior Superintendent, R.M.S.  
Thiruvananthapuram Division,  
Thiruvananthapuram 695036.
5. The Director (Staff),  
Department of Posts, Ministry of Communications & IT  
New Delhi 110001. .... Respondents

(By Advocate Mrs. Deepthi Mary Varghese, ACGSC)

**4. O.A. NO. 31 OF 2012**

1. Jose Mathew  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kottayam  
Residing at Chennathu House, Chengalam P.O.  
Kottayam District- 686 585
2. P.R Sureshkumar,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kottayam  
Residing at Pullatu, S H Mount P.O., Kottayam\_ 686 006
3. K.P.Sulochana Devi,  
Sorting Assistant MACP II, Sub Record Office  
RMS TV Division, Kottayam  
Residing at C-111-3, P & T Quarters, I  
Muttambalam, Kottayam-4
4. V.Anjanakumari,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kottayam  
Residing at Sreevilasam, Kumaranalloor P.O  
Kottayam-686 016
5. R Sobhakumari, D  
Sorting Assistant MACP II, Sub Record Office  
RMS TV Division, Kottayam  
Residing at Kolamkuzhiyil, Anicad East P.O., Kottayam
6. Kuruvilla Varghese,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kottayam  
Residing at Vattamala (H), Velloor P.O, Pampady, Kottayam

7. P.K.Geetha Devi,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kottayam  
Residing at Karipal House, Vadavathoor, Kottayam
8. K.K.Ramani,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kollam,  
Residing at Krishnakripa, FFRA-85, Mundakkal East, Kollam-1
9. G.Hariprakash,  
Sorting Assistant MACP II  
Sub Record Office, RMS TV Division, Kollam  
Residing at Palvila Puthenveedu, Near BHS, Attingal.
10. V.Rajkumar,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Kollam,  
Residing at Muruga Bhavan, Surianalle P.O.  
Munnar(via), Idukki District 685 618
11. V.P. Sujeendra Babu  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Thiruvalla,  
Residing at Valavunkal House, Kunthrickal P.O.  
Thalavady, Thiruvalla, Alappuzha -689 572
12. Roy T Eapen,  
Sorting Assistant MACP II, Sub Record Office  
RMS TV Division, Thiruvalla,  
Residing at Thayyil house, Velliara P.O.,  
Ayroor North, Pathanamthitta- 689 612
13. K.Ponraj,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Thiruvalla,  
Residing at Rajbhavan, Melady, Marayur P.O  
Idukki District - 685 620
14. P.Gireesh Kumar,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Alappuzha,  
Residing at Krishnapuri, North Aryad,  
Mannancherry P.O., Alappuzha- 688538
15. P.J.Aleykutty,  
TBOP Sorting Assistant, Sub Record Office  
RMS TV Division, Thiruvalla, residing at CA II,  
P & T Quarters, Alappuzha
16. M.V.Jayasree,  
Sorting Assistant MACP II, Sub Record Office,  
RMS TV Division, Alappuzha,  
Residing at Ambady, Varanad P.O., Cherthala,  
Alappuzha. ...

Applicants

(By Advocate Ms.Rekha Vasudevan)



versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications  
New Delhi.
2. The Chief Postmaster General  
Kerala Circle, Thiruvananthapuram - 695 001
3. The Director of Postal Services (HQ)  
Office of the Chief Post Master General, Kerala Circle,  
Thiruvananthapuram.
4. The Superintendent of Post Offices,  
R.M.S. T.V Division,  
Thiruvananthapuram, Kerala
5. The Director (Staff),  
Department of Posts, Ministry of Communications & IT  
New Delhi 110001. ... Respondents

(By Advocate Mr. Millu Dandapani, ACGSC (R1-4))

**5. O.A. NO. 1150 OF 2012**

1. M. J. Leela,  
Sorting Assistant, Sub Record Office,  
Railway Mail Service, Ernakulam Division,  
Residing at Thadavanal House,  
Arakulam P.O., Idukki- 685 591
2. P.D.Philip,  
Sorting Assistant, Sub Record Office  
Railway Mail Service, Ernakulam Division  
residing at Pazhoor House, Puthenchira,  
Muthalakodam P.O., Idukki-685 505
3. T.K.Rajeev,  
Sorting Assistant, Sub Record Office,  
Railway Mail Service, Ernakulam Division  
residing at Thekkemoozhickal, Kurumpalamattom  
Karimannoor P.O., Idukki-685 581
4. I. Indira,  
Sorting Assistant, Sub Record Office,  
Railway Mail Service, Ernakulam Division,  
Residing at Narayana Mangalam, Muvattupuzha- 686 661
5. Baby Joseph  
Sorting Assistant, Sub Record Office, Railway Mail Service,  
Ernakulam Division,  
Residing at Palekudiyil, Ayavana P.O., Idukki- 686 668
6. Jessy Augustine  
Sorting Assistant, Sub Record Office,  
Railway Mail Service, Ernakulam Division

Residing at Padinjarekara, Puthepura, Karimpana P.O.,  
Koothattukulam 686662

7. P. Letchmanan,  
Sorting Assistant, Sub Record Office, Railway Mail Service,  
Ernakulam Division,  
Residing at Augraham House,  
Marayur P.O., Idukki-686 520
  8. M.B. Karunakaran,  
Sorting Assistant, Sub Record Office, Railway Mail Service,  
Ernakulam Division,  
Residing at Madapparayil House,  
Muvattupuzha P.O.- 686 661
- ... Applicants

(By Advocate Ms. Rekha Vasudevan)

versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications  
New Delhi- 110 001
  2. The Chief Postmaster General  
Kerala Circle, Thiruvananthapuram, Kerala - 695 033
  3. The Director of Postal Services (HQ)  
Office of the Chief Post Master General, Kerala Circle,  
Thiruvananthapuram., Kerala - 695 033
  4. The Superintendent of Post Offices,  
Railway Mail Service, Ernakulam Division,  
Ernakulam - 682 011
  5. The Director (Staff),  
Department of Posts, Ministry of Communications & IT  
New Delhi 110001.
- ... Respondents

(By Advocate Mr. Millu Dandapani, ACGSC )

**6. O.A. NO. 1151 OF 2012**

1. R. Girija,  
Office Assistant, Divisional Office,  
Department of Post, Idukki Division,  
Residing at Puramadathil House, Edamuruku,  
Cheenikuzhi P.O., Udumbanoor - 685595
2. B. Vijayakumar,  
Office Assistant, Divisional Office,  
Department of Post, Idukki Division,  
Residing at Souparnika, Chittoor, Puthuperiyaram P.O.,  
Vengallur- 685608
3. O. R. Girija,  
Postal Assistant, Thodupuzha Head Office  
Department of Post, Idukki Division,  
Residing at Thekkahathu House.

Thodupuzha East P.O., Kanjiramattom,  
Idukki 685 585

4. Santhy Jose,  
Postal Assistant, Thodupuzha East  
Department of Post, Idukki Division  
Residing at Elavunkal House, Thodupuzha East P.O.  
Idukki 685 585
5. M.S.Lathika Devi  
Postal Assistant, Thodupuzha Head Office  
Department of Post, Idukki Division,  
Residing at Mangalamundakal  
Thodupuzha East, Idukki 685 585.
6. Anitha T.R.  
Postal Assistant, Karimanur,  
Department of Post, Idukki Division,  
Residing at Kunumpurath, Thodupuzha, Idukki
7. N. Harikumar,  
Postal Assistant, Muthalakodam Sub Office,  
Thodupuzha, Department of Post,  
Idukki Division,  
Residing at Puthenveedu, Kolani P.O  
Thodupuzha, Idukki
8. Nixon John,  
Sub Postmaster, Thodupuzha East,  
Department of Post, Idukki Division,  
Residing at Palammattam House,  
Chittoor, Puthupariyaram P.O  
Vengalloor, Idukki- 685 608

... Applicants

(By Advocate Ms.Rekha Vasudevan)

versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications  
New Delhi- 110 001
2. The Chief Postmaster General  
Kerala Circle, Thiruvananthapuram, Kerala - 695 033
3. The Director of Postal Services (HQ)  
Office of the Chief Post Master General, Kerala Circle,  
Thiruvananthapuram., Kerala - 695 033
4. The Superintendent of Post Offices,  
Idukki Division, Thodupuzha, Kerala - 685 584
5. The Director (Staff),  
Department of Posts, Ministry of Communications & IT  
New Delhi 110001.

... Respondents

(By Advocate Ms.Deepthi Mary Varghese, ACGSC)

**7. O.A. NO. 1014 OF 2010**

P.Premalatha  
Sub Postmaster, Angamali South  
Ernakulam District  
Residing at Latha Vilas House  
Manickamangalam P.O  
Kalady - 683 574

... Applicant

(By Advocate Mr.TCG Swamy)

versus

1. Union of India represented by Secretary  
to Government of India  
Ministry of Communications & IT  
(Department of Posts), Dak Bhavan  
New Delhi- 110 116
2. The Chief Postmaster General  
Kerala Postal Circle, Thiruvananthapuram
3. The Post Master General  
Central Region, Kochi
4. The Senior Superintendent of Post Offices,  
Aluva Postal Division, Aluva  
Ernakulam District

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

These applications having been heard on 22.08.2013, the Tribunal on  
1.7.2013 delivered the following order:

**ORDER**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

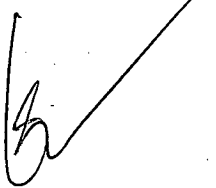
As the issue involved in the above cases is one and the same, the same are dealt with in this common order. However, as a leading case, facts as well as reference as contained in OA No. 79 of 2011 have been taken for the purpose of discussion.

2. Counting of service rendered by the applicants under the Reserve Trained Pool system for the purpose of seniority, benefits relating to financial upgradations and other consequential benefits is the issue involved in these cases.

3. Sometimes in the eighties, the respondents had introduced a system called Reserve Trained Pool (RTP for short) vide order dated 30-10-1980, at Annexure A-1. The salient feature of this system includes that when posts of Postal Assistants and Sorting Assistants were filled in each recruitment unit, while drawing a list of selected candidates equivalent to the number of vacancies to be filled up, an additional list upto 50% of the vacancies would be prepared and these would also be imparted training and categorized as trained reserve candidates and kept in reserve, to meet the future regular and current emergent needs of manpower in the Post and RMS Offices. In other words, these RTP candidates could be compared to wait-listed candidates with an assurance of regularization against future vacancies.

4. Such a list was prepared in which all the applicants in the above O.As figured and their services were utilized for emergent needs. In view of the imposition of ban on direct recruitment from 1984 to 1990, these RTP were not regularized against any of the vacancies that arose during the above period. It was only in 1990 that such vacancies were filled up by absorption of the aforesaid RTP candidates.

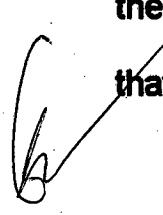
5. A number of Original Applications were filed by the RTP candidates including some of the applicants in these O.As, during 1990 and 1991 praying for a declaration that the applicants were entitled to get the benefit of their services commencing from the date of their initial engagement as RTP PAs for the purpose of annual increment, bonus, length of service for the purpose of departmental examination and for seniority and other purposes and for a direction to the respondents to afford the applicants



the consequential benefits arising from such declaration. These O.As, with 814 of 90 as the main case were decided vide Annexure A-6 order dated 21-04-1992 whereby the Tribunal directed the respondents to afford such of the RTP candidates who had rendered continuous service of over one year at 8 hours a day, temporary status and count half such service as qualifying service for pension and all the benefits available to casual *mazdoors* having been granted temporary status would also percolate upon such RTP candidates from the date of their temporary status. This order was followed in subsequent applications as well, vide orders at Annexures A-9 and A-10. The decision in OA No. 814 of 1990 was under challenge before the Apex Court and the same was then pending.

6. Four individuals similarly circumscribed as the applicants in these O.As, filed a case before the Tribunal and the Tribunal, after referring the matter to the Industrial Tribunal for fact finding purposes, held that such persons be granted seniority with reference to the initial date of their appointment. Annexure A-11 order dated 8<sup>th</sup> February, 1996 refers. The order was implemented, whereby these individuals were accordingly granted seniority from the date of their initial appointment.

7. The challenge against decision in OA No. 814 of 1990 and connected cases (vide Annexure A-6) which was challenged by the respondents herein before the Apex Court, was decided and the Apex Court vide judgment reported in *Union of India vs K.N. Sivadas (1997) 7 SCC 30* held that there is no comparison between the RTP and casual labourers as these two are under two different schemes. The Apex court has thus held in that judgment as under:-



**"The position of these two categories of employees is very different as we have already set out. The Tribunal has also erred in assuming that casual labourers are getting these benefits during the period for which the RTPs are claiming these benefits. RTPs have already obtained the benefit of absorption in regular service because of their own scheme. They, therefore, cannot, on the one hand, avail of their own special scheme and at the same time, claim additional benefits on the basis of what has been given to the casual labourers. This is unwarranted, especially as the period for which they claim these benefits is the period during which such benefits were not available to casual labourers."**

8. OA 1178 of 1996 was filed by a number of such RTP candidates, seeking the benefit of regularization from retrospective effect but the same was rejected by the Tribunal and the matter was taken up with the High Court, which too, after detailed discussion rejected the writ petition No. 21249 of 2000 vide Annexure A-12.

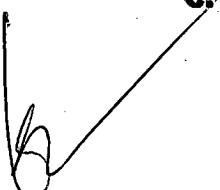
9. Well before the above order was passed, the Jabalpur Bench of the Tribunal dealt with identical case and passed Annexure A-7 order dated 16<sup>th</sup> December, 1986 whereby the following directions were given:-

***"10. Under the circumstances, to end the unreasonable and unjust classification that had been introduced as the result of dual policy of the Government as reflected in the issue of the circular (Annexure R1) and the stopping of further recruitment and absorption to the cadre of posts of Postal Assistants, as affirmed in para 8 of the Respondent's return dated 24.6.1985, we direct that:-***

***a. Government shall review their policy to stop recruitment/absorption of persons against regular Postal Assistants.***

***b. No persons shall be inducted from other Departments like Railway Mail Service and Telecommunication Department to man posts of Postal assistants until the petitioners are absorbed against regular posts.***

***c. No fresh persons be taken and recruited against the R.T.P. (Reserve Trained Pool) until the Government reviews their policy as under (a) above. The operation of the circular dated***



**31.10.1980 (Annexure R1) in regard to recruitment of fresh persons to R.T.P. other than petitioners is struck down in exercise of this Tribunal's writ jurisdiction.**

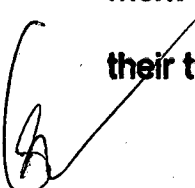
- d. The absorption of the petitioners against regular posts will be so phased on the basis of para 2 of circular dated 30.10.1980, as if no restriction had been imposed on their regular recruitment/absorption earlier and shall be completed within a reasonable period from the date of this order, if necessary by creating supernumerary posts, and subject to screening of the unfit by a specially constituted screening committee to examine their record and performance. The Screening Committee shall also keep in view their seniority in the R.T.P.**

**11. x x x x**

**12. Under the circumstances, for reasons stated in the preceding paragraph, we find the provisions of the circular dated 30.10.1980 (Annexure R1) in so far they relate to payment of hourly rates of wages to employees in the R.T.P. discriminatory and violative of Article 14 and 16 of the Constitution and are struck down. We direct respondents that the R.T.P. Employees performing the same duties as Postal Assistants shall be paid the same salary and emoluments per mensem as are being received by Postal Assistants with effect from the date of their appointment. As regards other conditions of service and facilities demanded by the petitioners this is subject to their regular absorption as directed in para 10."**

**10. The above decision of Jabalpur Bench was challenged before the Apex Court in SLP (C) No. 11313 of 1997 which was however, dismissed. This decision was followed in a subsequent decision by the Bombay Bench in OA No. 719 of 1996 and 8 other connected cases, vide order dated 31<sup>st</sup> August, 2010 at Annexure A-30.**

**11. Similarly, the Madras Bench of the Tribunal had also dealt with identical issue and by its order dated 25-02-1988, direction was given for absorption of the RTP candidates against regular vacancies in the order of merit in the Reserved Trained Pool from the date next regular vacancies in their turn materialized. Annexure A-8 refers.**

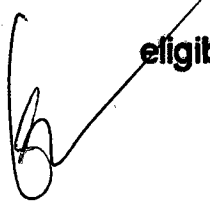




12. When a scheme called Time Bound One Promotion (TBOP for short) was introduced in 1983, the same provided for automatic promotion on completion of 16 years of service as Postal Assistant or Sorting Assistant. The stipulation of 16 years of service was interpreted by the respondents as 16 years of regular service and a case was filed by one Mathivanan who was an RTP candidate, selected for the Army Postal Service and his appointment prior to his entry in the Army Postal Service was purely ad hoc. The matter reached upto the Apex court and the Apex Court had held that since the term 'regular' was not figuring with the term "sixteen years of service" notwithstanding the fact there was no regular service but the individual completed 16 years of service, he was granted the benefit of the TBOP Scheme. Judgment of the Apex Court – Union of India vs M. Mathivanan (2006) 6 SCC 57 refers. This decision was uniformly applied to all similarly situated till 31-08-2008 after which the TBOP Scheme was replaced by MACP Scheme, vide Annexure A-15.

13. The applicant in OA No. 79 of 2011 had moved two representations, vide Annexure A-13 and A-17, inviting the attention of the respondents to the decision vide Annexure A-11 which was implemented by the respondents and sought similar relief. The two representations have not been responded to by the respondents.

14. The respondent No. 1 had, vide Annexure A-29 passed an order, referring to various decisions, to the effect that while TBOP scheme did not specifically refer to regular service, the subsequent MACP scheme having specifically utilized the term "regular service", the services rendered prior to regularization of the RTP candidates be not reckoned while considering the eligibility for grant of MACP.



15. The above order of the respondents is under challenge and the applicants in all these O.As have claimed almost identical reliefs. The reliefs sought in the main OA 79/11 are reproduced hereunder:-

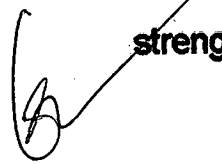
(a) *Declare that the applicant is entitled to be accommodated against the regular vacancy which arose in the year 1984, i.e. the next recruiting year subsequent to her selection as Short Duty Postal Assistant in 1983, as directed by the Jabalpur Bench of this Hon'ble Tribunal in Annexure A-7 final order and to direct the respondents to grant her regular absorption with effect from the date of the regular vacancy which arose in the year 1984, i.e. the next recruiting year subsequent to her selection as Short Duty Postal Assistant in 1983 and to refix her seniority and other consequential service benefits accordingly.*

(b) *Direct the respondents to count her service rendered as Reserve Trained Pool for the purpose of granting the financial upgradation under the Time Bound One Promotion Scheme and the Modified Assured Career Progression Scheme.*

(c) *Quash Annexures A-29 letter dated 12.04.2012 issued by the Director (Staff), Ministry of Communications & IT.*


16. Respondents have contested the O.A. They have highlighted the aspect of limitation on the one hand and laid stress that the decision in Mathivanan would apply to those who were similarly situated as the said Mathivanan (APS).

17. Counsel for the applicants argued that the respondents had eclipsed the existence of the decision by the Jabalpur Bench when the case of Sivadas was considered by the Tribunal as well as the Apex Court. The decision in Sivadas in fact only compared the status of the RTP and casual labourers with temporary status. The benefit of service prior to regularization had been granted for the purpose of TBOP as per the information gathered under RTI. The applicants are entitled to the reliefs sought for, on the strength of Annexure A-7 order of the Jabalpur Bench as well as Annexure



A-11 order of this Bench. Restricting the benefit of Annexure A-11 order to the applicants therein alone is illegal as the decision in that case has to be taken as applicable for all similarly situated.

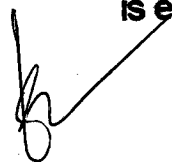
18. Counsel for the applicant in OA No. 1014 of 2010 submitted that the case of the applicant in that OA is slightly different from the other cases in that, in that case, the applicant filed OA No. 323 of 11 and the same was disposed of by order dated 13 Feb. 2012 . The direction given to the respondent in that order that the respondents would consider the case of the applicant for financial upgradation under MACP duly taking into account the services rendered as RTP candidate without the benefit of seniority and would take appropriate decision and intimate the decision within a time of six months. The respondents had accordingly, considered but the rejected the case of the applicant by order dated 28-05-2012 stating that vide the Directorate Instructions dated 12-04-2012 and in view of the judgment in the case of K.N. Sivadas and provisions contained in the MACP scheme it was concluded that the services rendered under RTP scheme by the personnel prior to their regular appointment of PA/SA cannot be counted for promotion, seniority and grant of MACP. Thus, the case of the applicant was rejected. The counsel submitted that the direction as per A-6 order dated 13-02-2012 was to the first respondent viz., the Secretary, Ministry of Communications, Dept of Posts, whereas the rejection letter came from the Chief Postmaster General. The rejection order is without application of mind as the respondents had failed to take into account the factum of having conceded before the Tribunal in OA No. 323 of 2011.



19. Counsel for the respondents maintained the same contention of limitation as well as non permissibility of counting of the services prior to regularization in respect of grant of MACP.

20. Arguments were heard and documents perused. *Sivadas* only distinguished the cases covered by RTP scheme on the one hand and Casual Labourers (Grant of Temporary Status) Scheme on the other and held that the former, who is better placed, cannot claim any benefit available to the latter in addition to the ones available under the RTP Scheme. The Apex Court in that case did not examine the scope or extent of the benefits available to the RTP, save stating that the benefits available under that scheme alone would have to be afforded to RTP and not in addition thereto the benefits available to the temporary status casual labourers. *Mathivanan* held that for grant of TBOP regular service need not be insisted and thus services rendered in the APS could be reckoned for the purpose of working out the eligibility of grant of TBOP. In fact, order dated 21<sup>st</sup> July, 2010 vide Annexure A-15 was passed in pursuance of the decision of the Apex Court in *Mathivanan*. The contention of the respondents is that the said decision would apply to cases where an RTP candidate, granted ad hoc status prior to deputation to APS was later sent to APS and would not apply to those who remained as RTP candidates throughout till their regularization in 1990.


21. The claim of the applicants in these O.As is not related to any such benefits as in the case of *Sivadas*. At the same time, the fact remains that there is an observation by the Apex Court about the superior status of the RTPs compared to that of casual labourers with temporary status. This is evident from the observation of the High Court in para 3 of Annexure A-12,



wherein it has been observed, *"The apex Court further held that R.T.Ps are better placed..."*. This observation cannot be lost sight of.

22. *Mathivanan* dealt with the entitlement of ad hoc services to be reckoned for TBOP, which scheme did not stipulate 16 years of 'regular' service but only insisted on 16 years of service in the grade. The ratio in that decision is that services rendered irrespective of whether the same were regular or otherwise would count.

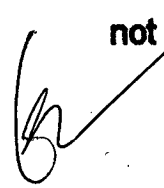
23. Admittedly, from 1984 there had been a ban on direct recruitment on account of which alone, it was not possible for the respondents to regularize the services of a number of RTPs inducted in early 1980s. It is not the case of the respondents that there arose no vacancies during the period of ban. But for the clamping of the ban, many of the RTPs would have been absorbed against regular vacancies in their turn. In fact, in another decision in OA No. 323 of 2011 decided on 13<sup>th</sup> February, 2012 (filed by the applicant in OA No. 1014 of 2010), this Bench of the Tribunal had considered an identical case and recorded vide para 16 thereof, *"In view of this fact, the respondents have fairly conceded that the issue of counting the services of RTP candidate for financial upgradation under MACP on purely personal basis without any benefit of seniority is under active consideration of the Respondents."* Of course, the aforesaid consideration culminated in the impugned order dated 12<sup>th</sup> April, 2012 vide Annexure A-29. Therein, the decision was that there is a striking difference in respect of qualifying service under TBOP and MACP Scheme, in that for the former, the requirement was only 16 years of service, while in the latter the requirement is 'regular service.' And in respect of TBOP, from the information received under RTI



by the applicants, some cases of RTP candidates were favourably considered for grant of TBOP and some were under consideration etc., vide Annexures A-21 to A-28. The decision in Mathivanan to reckon the service prior to regular service was not on the specific reason that the individual joined APS to confine the benefits to those who had joined APS. It only considered whether service prior to regularization could be reckoned or not. From this point of view, there cannot be an intelligible differentia between those of the RTPs who had joined APS and who had not to deny the benefits of the decision in Mathivanan to the applicants. All the RTP candidates should be considered at par.

24. As regards challenge to order dated 28-5-2012 in OA NO. 1014 of 2010, the decision conveyed to the applicant was in the wake of communication from the Directorate dated 12-04-2012 (Annexure A-29 in the other OA No. 79 of 2011). As such, the same cannot be said to be the decision of the Chief PMG. Further, the order dated 13-02-2012 referred to the admission of the respondents only to the extent that the issue of counting of service as RTP candidate for financial upgradation on purely personal basis was only 'under consideration' of the respondents. It does not seem to be an assurance to give any financial benefits under thereof, when the conditions attached to the MACP scheme does not get fulfilled.

25. In so far as the challenge to Annexure A29 order dated 12<sup>th</sup> April, 2012 is concerned, the challenge is not legally sustainable. In its decision in the case of M.Mathivanan, the Apex Court has distinguished regular service and service simplicitor. In so far as TBOP is concerned, the requirement was not regular service and accordingly those who had put in 16 years of service



(need not one of regular) were also to be covered by the TBOP Scheme. However, a specific stipulation of regular service has been provided for in respect of MACP which substituted TBOP Scheme. As such, Para 7 of the said order at Annexure A29 is legally sustainable. Thus the entire case could be converged to the following extent:-


- (a) In so far as reckoning of service for the purpose of grant of TBOP benefits there is no difference between a RTP candidate whose services were regularized later on and an RTP candidate who was sent to APS and was reverted after his deputation period, The decision of the Apex Court in M.Mathivanan is, therefore, applicable to all those RTPs irrespective of whether they were sent to APS or not.
- (b) In so far as MACP is concerned, the period of service shall be reckoned only from the date of regular service disregarding the services rendered prior to regularization.
- (d) For grant of 2<sup>nd</sup> financial up-gradation under the MACP Scheme, it shall be only the regular service that has to be counted and not 10 years after the grant of TBOP benefits, since TBOP benefits were granted without taking into account the regular service.
- (e) There is no question of regularization from the date of initial appointment or from the date vacancy arose, much less seniority on the basis of such regularization as the same had been rejected by the High Court vide judgment at Annexure A-12 already referred to.

26. In view of the above, the only benefit that could be available to the applicants is that in so far as grant of TBOP is concerned, if the respondents



have taken into account only the regular service and not the service before regularization they should take into account such service as well. Since vacancies of 1984 onwards could not be filled up due to ban on recruitment and the applicants were serving as RTPs during these years, the services rendered by them from 1984 to 1990 or thereafter till the date of regularization should be considered as service that could be reckoned for working out the eligibility for benefits of TBOP Scheme.

27. In view of the above, all these Original Applications are disposed of with direction to the respondents as under:-

- (a) Respondents shall work out the vacancies that arose from 1984 onwards, which could not be filled up on account of the ban on recruitment.
  - (b) RTP candidates on the basis of their year of recruitment, coupled with the order of merit, shall be accommodated notionally against such vacancies that were lying unfilled from 1984 onwards.
  - (c) It is from the date on which these applicants could be deemed to have been placed against such vacancies that the period of 16 years of service for grant of TBOP benefits shall be worked out.
  - (d) On completion of 16 years of such service, they would be deemed to have been granted TBOP benefits and the pay in the higher scale shall be fixed.
  - (e) Arrears shall be worked out in respect of these cases and the same shall be payable to the applicants concerned.
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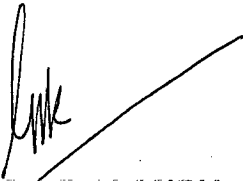


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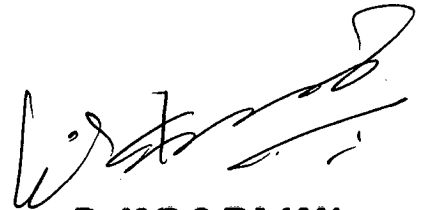
(f) In so far as MACP is concerned, the period of 20 years for 2<sup>nd</sup> MACP shall be reckoned only from the date of regular appointment and those who are entitled to 2<sup>nd</sup> MACP financial benefits accordingly shall be afforded the same, if not already done.

28. The above order shall be complied with, within a period of six months from the date of communication of this order. No order as to costs.

Dated, the 1st October, 2013.



**K. GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**Dr. K. B. S. RAJAN**  
**JUDICIAL MEMBER**

VS