

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
P. A. No.

9

1993

DATE OF DECISION 13.1.93

B. Vijayakumar _____ Applicant (s)

Mr. M.R.Rajendran Nair _____ Advocate for the Applicant (s)

Versus

The Supdt. of Post Offices,
Idukki Division, Thodupuzha and another Respondent (s)

Mr. Gopalan, ACGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

The Hon'ble Mr. R. Rangarajan, Administrative Member

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

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

The applicant is at present working as Postal Assistant in the HPO, Thodupuzha. He is aggrieved by Annexure A-1 order passed by the Supdt. of Post Offices, Idukki Division, Thodupuzha. The said order reads as follows:

"Chief PMG, Kerala Circle, Trivandrum has directed to intimate you that the benefit of CAT judgments in TAK 132/87 and O.A. 814/90 etc. are limited to the applicants in the concerned O.A.s."

2. The case of the applicant is that even though he has been appointed as a RTP in the Year 1987, he has worked in the Post Office like a regular employee and later he has been appointed as Postal Assistant w.e.f. 30.5.91. In the meantime

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some of the employees similarly situated like the applicant approached the Tribunal and filed TAK 132/87 for getting regular scale with all attendant benefits which were given to the regular Postal Assistants. This Tribunal considered and allowed the original Application. The said decision was followed by the Tribunal in O.A. 814/90 also. The applicant thereafter filed Annexure-IV representation dated 10.10.92 before the Chief PMG with a copy to the Sr. Supdt. of Post Offices, Thodupuzha. The said representation was considered and disposed of as per the impugned order.

3. At the time when the case was taken up for admission learned counsel for respondents was not in a position to distinguish the case of the applicant. However, he contended that he is not entitled to the benefit of the earlier judgment. He sought further time for stating as to whether the applicant is also entitled to the same benefits.

4. Having regard to the facts and circumstances of the case, we are of the view that the application itself can be disposed of at the admission stage itself without waiting for formal reply from the respondents. If the applicant is also similarly situated like the applicants in the applications referred to above, there is no legal justification to deny the benefit to the applicant also. Hence, in the facts and circumstances of the case, we admit the application and dispose of the same with direction to the

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second respondent to consider the case of the applicant and determine whether the applicant is also similar to the applicants in TAK 132/87 and O.A. 814/90 etc. and decide whether he is also entitled to similar benefits. The decision shall be taken by the second respondent notwithstanding the observation in the impugned order, within a period of three months from the date of receipt of a copy of this judgment.

5. The application is accordingly disposed of on the above lines.

6. There shall be no order as to costs.

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(R. Rangarajan)
Administrative Member

N. Dharmadan
(N. Dharmadan) 13.1.93
Judicial Member

13.1.93

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