

FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.Nos.1178/96, 1184/96, 1288/96,1289/96,
1339/96, 1342/96, 1343/96, 1358/96, 1359/96, 1360/96,
1490/96, 2/97, 3/97, 4/97, 15/97, 69/97, 137/97,
144/97, 149/97, 200/97, 204/97, 219/97, 239/97,
276/97, 284/97, 285/97, 341/97, 365/97, 398/97,
447/97, 464/97, 503/97, 504/97, 524/97, 1025/97 &
1400/97.

Thursday this the 30th day of September,1999.

CORAM:

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

HON'BLE MR.G.RAMAKRISHNAN, MEMBER(A)

O.A.1178/96

1. Chenchulakshmi, Postal Assistant,
Quilandi P.O., Calicut.
2. Sri Unni N.P. Postal Assistant,
Calicut Civil Station Post Office, Calicut.
3. Sri I.Vijayan, Postal Assistant,
Koduvally Post Office, Calicut.
4. Sri Sivasankaran A,
Office Assistant,
Senior Superintendent of Post Offices,
Calicut.
5. Smt.L.N.Neena, Postal Assistant,
Calicut Head Post Office, Calicut.
6. Sri N.K.Premarajan, Postal
Assistant, Pantheerankav Post Office, Calicut.
7. Smt.V.Radha, Postal Assistant,
Calicut Head Post Office, Calicut.
8. Smt.P.Usha, Postal Assistant,
Chalapuram Post Office, Calicut.
9. Smt. M.T.Suseela, Postal Assistant,
Calicut Head post Office, Calicut.
10. Smt.Pankajakshy V.
Postal Assistant, Kalpetta,
Head Post Office, Calicut Division, Calicut.
11. Smt.Geetha Thomas, Postal Assistant,
Regional Engineering College Post
Office, Calicut.
12. Smt.Sherly Varghese,
Postal Assistant, Koduvally Post Office,Calicut.
13. Smt.Santhakumari N,
Postal Assistant,
Calicut Head Post Office, Calicut.



14. Smt.V.P. Ragini,
Postal Assistant, Calicut,
Medical College Post Office, Calicut.
15. Smt.Sobhanakumari C.P
Postal Assistant,
Kakkodi P.O, Calicut.
16. Smt.Sathichandran ,L.D.Clerk,
Deputy Director of Postal Accounts Office,
Trivandrum.
17. Sri Ramachandran P.K.
Postal Assistant,
Pulpally P.O, Wayanad.
18. Sri N.Premarajan, Postal Assistant,
Calicut Head Post Office, Calicut.
19. Sri M.Suresh Kumar, Postal Assistant,
Calicut Head Post Office, Calicut.
20. Sri Janardhanan K.T.
Office Assistant,
Senior Superintendent of Post Office, Calicut.
21. Smt. Latha K.V, Office Assistant,
Senior Superintendent of Post Offices, Calicut.
22. Smt.Sobhana E.T., Postal Assistant,
Calicut Head Post Office, Calicut.
23. Smt.Mercy Mathew, Postal Assistant,
Athiyodi P.O., Calicut.
24. Smt. Rejini N, Postal Assistant,
Calicut Head Post Office, Calicut.
25. Smt.P.V.Sreedevi, Postal Assistant,
Kenichira Post Office, Wynad.
26. Sherly T.N., Postal Assistant,
Calicut Civil Station Head Post Office,
Calicut.
27. Smt.Prema M, Postal Assistant,
Calicut Civil Station Post Office, Calicut.
28. Sri Johnson P.C., Postal Assistant
Kuttiadi Post Office, Calicut Division, Calicut.
29. Smt.Ambika P, Postal Assistant,
Calicut Head post Office, Calicut.
30. Sri Baby Mathew, Postal Assistant,
Calicut Head Post Office, Calicut.

(By Advocate Mr.N.N.Sugunapalan)

vs.

1. Union of India represented by its
Secretary, Department of P&T, Govt. of India, New Delhi.

2. Chief Post Master General,
Kerala Circle, Thiruvananthapuram.

3. Senior Superintendent of Post Offices,
Calicut Division, Calicut.



4. Senior Superintendent of Post Offices,
Wynad Division, Wynad.
5. Senior Superintendent of Post Offices,
Thiruvananthapuram Division,
Thiruvananthapuram. ..Respondents

(By Advocate Mr.Govindh K.Bharathan, SCGSC)

O.A.1184/96

1. S.Viswanathan Nair, Postal Assistant,
Thiruvananthapuram Museum Post Office,
Thiruvananthapuram.
2. N.Harikumar, Office Assistant,
Office of the Executive Engineer,
Postal Civil Division, Thiruvananthapuram.
3. S.Udayakumar, Postal Assistant,
General Post Office,
Thiruvananthapuram.
4. M.K.Ramesh, Accountant,
Office of the Senior Superintendent of
Post Offices, Thiruvananthapuram North Division
Thiruvananthapuram-23.
5. T.M.Krishnaswamy, Office Assistant,
Office of the Senior Superintendent
of Post Offices, Thiruvananthapuram North Division,
Thiruvananthapuram-33.
6. N.Sureshkumar, Postal Assistant,
General Post Office,
Thiruvananthapuram.
7. V.S.Satheeshchandra Kumar,
postal Assistant,
Thiruvananthapuram General Post Office,
Thiruvananthapuram.
8. K.V.Vijayakumar, Accountant,
General Post Office, Thiruvananthapuram.
9. Sheela L., Postal Assistant,
Accountant General's Post Office,
Thiruvananthapuram.
10. Rema.L, Postal Assistant,
University Post Office,
Thiruvananthapuram.
11. Sreelatha.S., Postal Assistant,
Vanchiyoore Post Office,
Thiruvananthapuram.

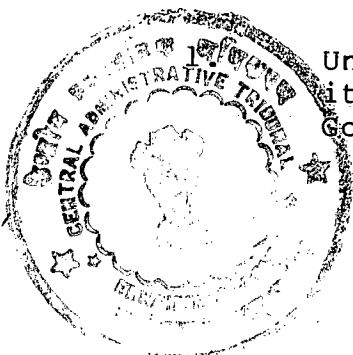


12. Mary M.A., Postal Assistant,
Kunnukuzhy Post Office,
Thiruvananthapuram.
13. G.Jayalakshmy, Postal Assistant,
General Post Office,
Thiruvananthapuram.
14. S.P.Kumari Sheeja,
Postal Assistant,
Muttada Post Office,
Thiruvananthapuram.
15. Suma.S., Postal Assistant,
Pattom Palace Post Office,
Thiruvananthapuram.
16. V.Kasthuri Bai, Postal Assistant,
Museum Post Office,
Thiruvananthapuram.
17. M.N.Asithakumari,
Sub Postmaster,
Sainik School Post Office,
Thiruvananthapuram.
18. Maya P.S., Postal Assistant,
General Post Office, Thiruvananthapuram.
19. Zeenath.S., Sub Postmaster,
Sreenivasapuram Post Office,
Thiruvananthapuram.
20. S.Geethakumary, Postal Assistant,
Vadaserikonam Post Office,
Thiruvananthapuram.
21. V.Mary Vimala, Postal Assistant,
Marthandam Post Office, Thiruvananthapuram.
22. M.Salim Kumar, Office Assistant,
Office of the Senior Superintendent of
Post Offices, Thiruvananthapuram
North Division, Thiruvananthapuram-33.
23. A.Radha, Postal Assistant,
Thiruvananthapuram Fort Post Office,
Thiruvananthapuram.
24. R.Krishnakumari, Postal Assistant,
General Post Office,
Thiruvananthapuram.
25. Mini.R.Nair, Postal Assistant,
Office of the Superintendent of Post Offices,
Thrissur-1.

(By Advocate Sri N.N.Sugunapalan)

vs.

Union of India, represented by
its Secretary, Department of Posts,
Government of India, New Delhi.



2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram-33.
3. Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram.
4. Senior Superintendent of Post Offices,
Thrissur- 680 001.

...Respondents

(By Advocate Mr.Mathews J.Nedumpara, ACGSC)

O.A. 1288/96

1. Babu Thomas, Postal Assistant,
Tiruvalla Post Office,
Tiruvalla Division, Tiruvalla.
2. S.Kamaraj, Postal Assistant,
Edayaranmula Post Office,
Tiruvalla Division, Tiruvalla.
3. K.K.Gopinathan Nair, Postal
Assistant, Kottanad Post Office,
Tiruvalla Division, Tiruvalla.
4. Rema Paul(Rema Cherian),
Postal Assisant,
Trivandrum General Post Office,
Trivandrum North Division, Trivandrum.
5. Rajalakshmi Antharjanam C.B.,
Postal Assistant,
Trivandrum General Post Office,
Trivandrum North Division,
Trivandrum.
6. K.Ushadevi, Postal Assistant,
Trivandrum General Post Office,
Trivandrum North Division,
Trivandrum.
7. P.Geetha Devi, Postal Assistant,
Trivandrum University,
Trivandrum North Division, Trivandrum.
8. Jayasree, Postal Assistant,
Murukumpuzha Post Office,
Trivandrum North Division, Trivandrum.
9. M.R.Reghunandan, Postal Assistant,
Chengannur Post Office,
Tiruvalla Division, Tiruvalla.
10. P.N.Raveendran Pillai, Postal Assistant,
Chengannur Post Office,
Tiruvalla Division, Tiruvalla.



11. Beena Susan Mathew, Office Assistant,
Office of Superintendent of Post Office,
Tiruvalla Division, Tiruvalla.
 12. P.R.Remadevi, Postal Assistant,
Tiruvalla Post Office, Tiruvalla Division,
Tiruvalla.
- ..Applicants

(By Advocate Mr.N.N.Sugunapalan)

vs.

1. Union of India, represented by its
Secretary, Department of Post,
Government of India, New Delhi.
2. The Chief Post Master General,
Kerala Circle, Trivandrum.
3. The Senior Superintendent of Post Offices,
Tiruvalla Division, Tiruvalla.
4. The Senior Superintendent of Post Offices,
Trivandrum North Division, Trivandrum.

..Respondents

(By Advocate Mr.James Kurien, ACGSC)

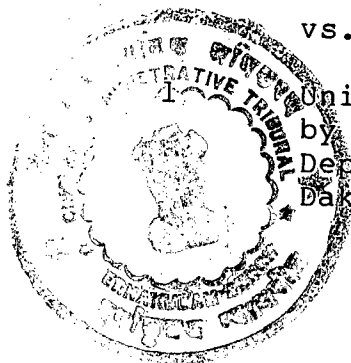
O.A.1289/96

1. A.Gangadharan Nair,
Postal Assistant , Karaparamba Post Office,
Karaparamba, Calicut.
 2. M.M.Appukuty,
postal Assistant,
Chalapuram Post Office,
Calicut.
 3. C.Jayalatha,
Postal Assistant,
Feroke Post Office, Calicut.
 4. C.P.Subba,
Postal Assistant,
West Hill Post Office,
Calicut.
 5. Nandini Edavalath,
Postal Assistant,
Calicut Civil Station,
Head Office, Calicut.
 6. P.C.Sunila,
Postal Assistant,
Elathur Post Office, Calicut.
- ..Applicant

(By Advocate Mr.N.N.Sugunapalan)

vs.

Union of India, represented
by the Secretary,
Department of Posts,
Dak Bhavan, New Delhi.



15. K.Sindhu, Postal Assistant,
Trichur Division.
16. K.Padmavathy Thambai, Postal Assistant,
Trichur Division.
17. V.N.Usha, Postal Assistant,
Trichur Division.
18. P.Raghunath, Postal Assistant,
Trichur Division.
19. V.S.Sheeja, Postal Assistant,
Trichur Division.
- 20.. T.R.Sajithakumari, Postal Assistant,
Trichur Division.
21. K.Usha Devi, Postal Assistant,
Trichur Division.
22. P.V.Balan, Postal Assistant,
Trichur Head Post Office.
23. S.Vasanthakumari, Postal Assistant,
Trichur Head Post Office.

..Applicants

(By Advocate Mr.P.Ramakrishnan)

vs.

1. Union of India, represented by its Secretary,
Department of Posts, New Delhi.
2. The Chief Post Master General,
Kerala Circle, Trivandrum.
3. The Senior Superintendent of Post Offices,
Department of Posts, Trichur.

..Respondents

(By Advocate Sri Govindh K.Bharathan,SCGSC)

These Applications having been heard on 12.8.99, the Tribunal
on 30.9.99 delivered the following:

O R D E R

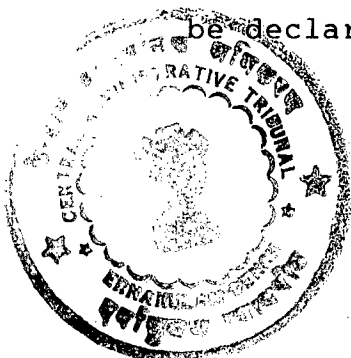
HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The facts, circumstances and the question of law
involved in all these cases being identical, these cases are
being heard and disposed of by this common order.

2. The applicants in all these cases were initially



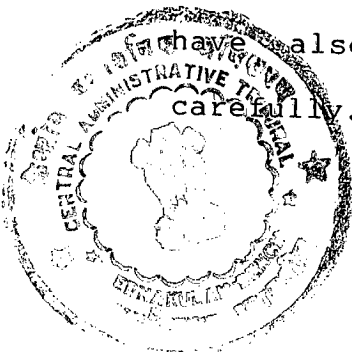
enlisted as Reserve Trained Pool (RTP for short) candidates pursuant to a Scheme conveyed by the letter of the Director General of Posts, New Delhi dated 30.10.1980. According to the Scheme at the time of each recruitment after the main merit list upto the number of vacancies announced is drawn up, a specific additional reserve list of candidates equal to 50% of the number of candidates in the main list was to be drawn up. These candidates in the Reserve List were also to be imparted training along with those in the main list. Those placed in the reserve list were treated as stand by. Excepting those who would be brought into the main list against drop outs, others were to constitute a Reserved Trained Pool to be absorbed against subsequent vacancies in their turn. Till they would be absorbed in regular service in their turn as Postal Assistants, their services were to be utilised according to the need of the Department against leave vacancies, due to absentism or any other unforeseen reason and also to handle peak hour traffic as short duty assistance on hourly basis payment. The applicants in these cases were enlisted under the above Scheme during the period 1982-83. They were all later regularised as Postal Assistants, LDCs etc. during the period from 1986 to 1990. After regularisation they were treated as regular Postal employees. Their grievance is that the period during which they were working as R.T.P short duty Postal Assistants, Sorting Assistants etc. has not been treated as regular service. Alleging that they were performing the same duties as regular Postal Assistants from the day they were enlisted as R.T.P. Postal Assistants, the applicants have prayed in all these applications that it may be declared that the applicants are entitled for seniority and



all service benefits from the initial date of their appointment as R.T.P. Postal Assistants and that necessary instruction may be issued to the respondents to give the applicants the consequential benefits. It has been alleged in some of the applications that the R.T.P. Postal Assistants similar to the applicants in these cases have been granted seniority and other benefits from the date of their appointment as R.T.Ps on the basis of the order of this Tribunal in O.A.No.1813 of 1993 and O.A.No.1410 of 1995 and that the applicants are also entitled to the same benefits.

3. The respondents contend that as the R.T.P Postal Assistants were enlisted as a stand by under the Scheme for being trained and to be absorbed in vacancies that were not announced but would arise later, they would become regular employees of the Department only on their absorption as Postal Assistants and that the short duty rendered by them on hourly remuneration cannot be treated as service for seniority or any other benefits. They contend that R.T.Ps similar to the applicants had filed a number of applications claiming seniority, and many other benefits, that a batch of these cases O.A.814/90 and connected cases were disposed of by the Tribunal by a common order dated 21.4.1992 rejecting their claim for seniority etc. but granting certain benefits which were available to the casual labourers who had attained temporary status and that the respondents have filed SLP before the Hon'ble Supreme Court against the above direction. As the respondents pray that as the applicants are not entitled to any relief as prayed for the applications may be dismissed.

4. We have heard the learned counsel for the parties and have also examined the pleadings and documents very carefully. Learned counsel of the applicants argued that the Tribunal



had in O.A.1813/93 and in O.A.1410/95 granted the benefit of seniority to R.T.Ps from the date of their initial engagement as R.T.Ps and therefore the respondents are bound to treat the applicants who are similarly situated in a like manner. We have gone through the two judgments referred to by the learned counsel of the applicants but do not find any adjudication of the rights of the R.T.Ps. with reference to the rival contentions. Further it is evident that the judgment of the Tribunal in K.N.Sivadas & others vs. Union of India and others, O.A. 814 of 1990 dated 21.4.1992 on the same issue was not noticed by the Benches. In the judgment in O.A.814/1990 and connected cases the Bench of which one of us (Hon'ble Shri A.V.Haridasan, Vice Chairman) was a party, after considering all the factual and legal aspects held:

" Hence the services of the applicants as R.T.P. Postal Assistants being only on hourly basis cannot be considered as adhoc or officiating service as against post to be entitled for reckoning the service for the purpose of seniority and other service benefits on their subsequent regularisation".

However, noting that the services of the R.T.Ps had been utilised continuously for a long time the Original Applications were disposed of with the following directions:

"8. In the conspectus of facts and circumstances, we dispose of these applications with the following directions:

- a) Those of the applicants in these cases who after their recruitment as RTP candidates have been rendering service for 8 hours a

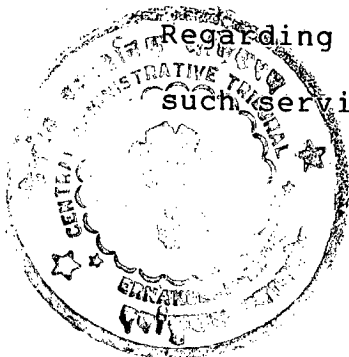


day continuously on completion of one year of such service, should be deemed to have attained temporary status and half the period of eight hours a day service after attaining temporary status should be reckoned for the purpose of qualifying service for pension.

- b) All other benefits if any available to the casual mazdoors after attaining temporary status and subsequent regularisation under the scheme should also be extended to the applicants if they satisfy the above conditions;
- c) The applicants should be paid productivity linked bonus if like casual labourers they had put in 240 days of service each year for 3 years or more as on 31st March of each bonus year after their recruitment as RTP candidates, i.e. the benefit of the judgment in O.A.612/89 and O.A.171/89 should be extended to the applicants in all these cases."

The Union of India challenged the order of the Tribunal in O.A.814/90 and connected cases before the Hon'ble Supreme Court. This SLP along with similar other cases were decided by the Hon'ble Supreme Court vide Union of India and others vs. K.N. Sivadas and others reported in AIR 1997 SC 3100. The Apex Court reversed the order of this Bench of the Tribunal in O.A.814/90 holding that the R.T.Ps were not even entitled to the benefits which were available to casual labourers.

Regarding the services of the R.T.Ps and the benefit due on such services, the Apex Court held:




" In C.A.Nos 127-130 of 1996 the RTPs who have been regularly absorbed in the year 1988 have been given the benefit of counting their service as RTPs for the purpose of their eligibility to appear for the departmental examination. The relevant rule provides that the candidates "must have put in at least 5 years continuous satisfactory service in one or more eligible cadres" before they can appear for the examination. The eligibility is related to five years' service in the cadre. Any service which was rendered prior to regular appointment in the cadre, cannot count for the purpose of this rule because it cannot be considered as service in any eligible cadre. The Tribunal was, therefore, wrong in granting to RTPs the benefit of service rendered by them prior to their regular appointment, for the purpose of their eligibility to appear for the departmental promotion examination."

In the light of the pronouncement of the Apex Court in Union of India vs. K.N.Sivadas and others, there is absolutely no merit in the claim of the applicants ^{for} reckoning their service as R.T.Ps for seniority, regularisation and other service benefits. In the light of the above discussion, we dismiss these applications leaving the parties to bear their own costs.

Sd/-
G. RAMAKRISHNAN
MEMBER (A)

CERTIFIED TRUE COPY
Date 12.10.99.....

Sd/-
A.V. HARIDASAN
VICE CHAIRMAN


Deputy Registrar

