

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.265/05

Thursday this the 11th day of August 2005

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

1. Nagappan Nair,
S/o.late Narayanan Nair,
Retired Higher Selection Grade Postal Assistant,
Trivandrum CPO.
Residing at Navalayam,
Annoor, Thirumala P.O.,
Trivandrum – 695 006.
2. M.Muhammed Moideen,
S/o.late Mohammed Azees,
Retired L.S.G. Postal Assistant,
Trivandrum CPO.
Residing at House No.TC8/169 Khadeijath,
Muthaykonathuthekkumkara,
Puthenveedu, Thirumla P.O.,
Trivandrum – 695 006.

...Applicants

(By Advocate Mr.P.C.Sebastian)

Versus

1. The Senior Superintendent of Post Offices,
Trivandrum South Division,
Thiruvananthapuram – 695 014.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram
Dak Bhavan, New Delhi.
3. Union of India represented by Secretary,
Ministry of Communications, Department of Posts,
Dak Bhavan, New Delhi.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 11th August 2005 the Tribunal on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicants in this OA are retired officials who were engaged as

Short Duty Postal Assistant (SDPA for short) at Thiruvananthapuram General Post Office and Thycaud HO at the rate of Rs.5/30 per hour and they worked from 1.2.1996 to 28.2.2001. They are claiming the same benefits as extended to the applicants in O.A.859/00 in which it was held that they are entitled to wages at revised hourly rates to be worked out on the basis of revised pay of Rs.4000-6000 with effect from 1.1.1996. It is submitted by the applicants that they came to know about the judgment of the Tribunal in the above OA only in 2003 and further submitted they have filed representations seeking to extend the same benefit of Annexure A-2 order to them but their claims were rejected by Annexure A-4 order stating that the benefits of the order of the Tribunal in O.A.859/00 was applicable only to the applicants in that O.A and it cannot be extended to others. Similarly placed persons again approached this Tribunal in O.A.786/03 and got the benefits. However, O.As.1007/03 and 1009/03 were filed by other similarly placed persons but they did not get the reliefs as the Tribunal held that they had not come in time and the O.As were dismissed on the ground of limitation. This order was challenged in the Hon'ble High Court of Kerala in W.P.(C) Nos.7147/04 and 7112/04 and a copy of the order has been produced by the applicants along with the rejoinder. The Hon'ble High Court has allowed the W.P.(C) and observed as under :-

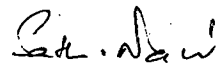
The reasons which weighed with the Tribunal in granting relief to V.K.Thanu Pillai and others as well as to T.K.Sarojini and others ought to have weighed with the Tribunal in granting reliefs to the writ petitioners also. In our view, since the revised pay structure came into effect on 1.1.1996, the petitioners who admittedly have actually worked after that date, are entitled to wages at the revised rates. Merely because the petitioners approached the Tribunal belatedly, they need not be denied the benefit especially when the claim of similarly placed persons was upheld by the Tribunal ignoring such delay and the



respondents have implemented the said order of the Tribunal. At any rate, the delay on the part of the petitioners in approaching the Tribunal, need not detain this Court from exercising the jurisdiction under Article 226 of the Constitution of India in order to secure justice to the petitioners and to prevent discrimination against them in the matter of payment of wages. Hence the claim of the petitioners deserves to be allowed.

2. Following the directions of the Hon'ble High Court and the well settled position of law in this regard that when a benefit is extended to persons on the basis of a principle which has been upheld it should be extended to all other similarly placed persons and that restricting the benefits only to the applicant is not justified the OA is allowed. Respondents are directed to extend the benefits of Annexure A-2 order to the applicants and also to all similarly placed persons and to pay the arrears of wages due to them for the period they have worked as SDPAs after 1.1.1996 within a period of two months from the date of receipt of a copy of this order. No order as to costs.

(Dated the 11th day of August 2005)



SATHI NAIR
VICE CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.265/2005

Monday this the 20 th day of March 2006.

CORAM:

HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. Nagappan Nair,
S/o late Narayanan Nair
Retired Higher Selection Grade Postal Assistant,
Trivandrum CPO.,
Residing at Navalayam, Annoor,
Thirumala P.O., Trivandrum – 695 006.
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Muthaykonathuthekkumkara,
Puthenveedu, Thirumala P.O.,
Trivandrum – 695 006.

Applicants

By Advocate Mr.PC Sebastian)


Vs.

1. The Senior Superintendent of Post Offices,
Trivandrum South Division,
Thiruvananthapuram – 695 014.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram,
Dak Bhavan, New Delhi.
3. The Union of India, represented by Secretary,
Ministry of Communications,
Department of Posts, Dak Bhavan,
New Delhi.

Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The Application having been heard on 20.3.2006
the Tribunal on the same day delivered the following



ORDER**HON'BLE MR. N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

When the matter came up before the Bench, learned counsel for the applicants submitted that, the reliefs sought for by the applicants have been granted, he has consulted with his clients in this regard and the application has become infructuous and the same may be closed.

2. Accordingly, the O.A. is dismissed as infructuous. No costs.

Dated the 20th March, 2006.



**N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER**