

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

.....

O. A. No. 370 of 1995.

Monday this the 14th day of August, 1995.

CORAM:

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. P. SURYAPRAKASAM, JUDICIAL MEMBER

George Joseph,
Higher Grade Postal Assistant,
Head Post Office, Changanacherry,
Manilal House, Perumpanachi,
Changanacherry.

.. Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Chief Post Master General,
Kerala Circle, Trivandrum.
2. The Director General Posts,
New Delhi.
3. The Superintendent of Post Offices,
Changanassery Division, ~~Changanassery~~
Changanassery.

.. Respondents

The application having been heard on the 14th day of August, 1995, the Tribunal on the same day delivered the following:

ORDER

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant seeks a declaration that he is entitled to get the period of absence from service from 26.9.1968 to 5.10.1969 regularised as duty with all consequential benefits.

Applicant approached this Tribunal for the same relief in O.A. 1740/94. The Tribunal observed that:

"It is said that his services were terminated for participation in a strike and that the order of termination was quashed by the High Court, and the order of High Court was confirmed by the Supreme Court of India. It is in these circumstances that applicant sought regularisation of his services during the period aforesaid, before 3rd respondent. The request, A7 was rejected by A8 order stating:

"instructions issued by the Director General, Posts & Telegraphs in 1968 strikes, are not traceable."

2. We cannot think of a more puerile reason, for rejecting the representation.....

3. We quash A8 and direct third respondent to take back A7 on file and pass an order thereon in accordance with law....."

2. The impugned order A-10 is a consequence of the direction of the Tribunal in OA-1740/94. The impugned order states that:

"It may be pointed out that the period of termination has been regularised by treating it as Dies-non...."

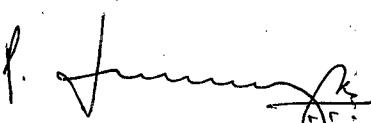
3. Applicant, however, contends that there were others similarly situated whose services were also terminated as a consequence of the strike and who were subsequently reinstated and that in their cases as seen from A-5 the period of termination was treated as duty for all purposes whereas in his case alone, it has been treated as dies-non. Applicant further states that he has been denied the wages whereas the others similarly situated have been paid wages for that period.

4. We find that applicant has been treated differently from the persons referred to in A-5 order and no good reasons are put forward for such discrimination. We, accordingly quash A-10 to the extent that it treats the period of termination of the applicant as dies-non and direct the 3rd respondent to consider the case of the

applicant on the same lines as that of the persons shown in A-5 and pass appropriate orders within two months.

5. Application is disposed of as aforesaid.
No costs.

Monday this the 14th day of August, 1995.



P. Suryaprakash

P SURYAPRAKASH
JUDICIAL MEMBER



P. Venkatakrishnan

PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

rv16/8

LIST OF ANNEXURES

1. Annexure A5: True copy of the memo No. SP/STR/68 dated 8.1.1973 issued by Senior Superintendent of Post Offices, Ernakulam Division.
2. Annexure A10: True copy of the Order No. B/Writ/3-94 dated 13.2.1995 issued by 3rd respondent to the applicant.

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