

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.405/2002.

Thursday this the 27th day of June 2002.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. KV SACHIDANANDAN, JUDICIAL MEMBER

John Paulose, Sorting Assistant,
HRO, RMS, 'EK' Division, Cochin-682 016,
residing at H.No.33/1378C,
Vennala P.O., Ernakulam.

Applicant

(By Advocate Shri K.G.Sarath Kumar)

Vs.

1. Union of India represented by its
Secretary, Department of Posts,
Government of India, New Delhi.
2. Chief Postmaster General, Kerala Circle,
Trivandrum-695 033.
3. Senior Superintendent of Railway Mail Service
(RMS), EK Division,
Cochin-682 011.

Respondents

(By Advocate Shri S.K.Balachandran, ACGSC)

The application having been heard on 27th 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant who is working as Sorting Assistant in the office of the 3rd respondent is aggrieved by the non-consideration of his representation with regard to the regularisation of his service w.e.f. 1.12.1982, the date on which he entered service in RMS, EK Division, Ernakulam as Reserved Trained Pool (RTP sor short). Although he was regularised on 31.5.1990 after working for seven and a half years continuously, his services from 1.12.1982 in the RTP category have not been considered in the light of A-1 circular dated 31.10.1980, referred to in the Hon'ble Supreme Court's judgement in Union of India and another Vs. K.N.Sivadasan and Others (JT 1997 (7) SC 202). It would appear that the applicant has made

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representations on the matter, earlier in 1996 and 1999 without relying on the circular, as it was not within his knowledge. However, in the light of the Hon'ble Supreme Court's judgement in which the benign circular, the benefit of which he seeks now, has been referred to for the first time, the applicant has made a detailed representation A-6 on 16.5.2002 (A6). No reply has been received by the applicant.

2. When the matter came up for admission, it was agreed on both sides that, the O.A. can be disposed of by directing the respondents to consider the representation A-6 dated 16.5.2002 and pass a speaking order within a reasonable time. On the basis of this submission, we consider it expedient to dispose of the matter by directing the 2nd respondent, the Chief Postmaster General, Kerala Circle Trivandrum to consider the applicant's claim in the light of the various decisions on the matter particularly with reference to the Supreme Court's judgement in Union of India and another Vs. KN Sivadasan and others (JT 1997 (7) SC 202 wherein the department's own circular is referred to and give a proper and speaking reply to the applicant within a period of two months from the date of receipt of a copy of this order. Accordingly we do so.

3. The application is disposed of as above. No costs.

Dated the 27th June 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the Circular No.60/36/80-SPB-I dated 30.10.80 of Director General, P&T.
2. A-2: True copy of the Memo No.B 46/PTC-ENK/82-II dated 9.2.83 issued by Senior Superintendent RMS 'EK' Division Cochin-682011(3rd respondent).
3. A-3: True copy of the Memo No.B-29/DGL/93 dated 15.5.96 issued by the Senior Superintendent, RMS, TV Division, Trivandrum.
4. A-4: True copy of the representation dated 6.11.96 submitted by applicant to 2nd respondent.
5. A-5: True copy of the representation dated 11.11.99 submitted by petitioner to Hon'ble Minister of Communication, Govt. of India, New Delhi.
6. A-6: True copy of the representation dated 16.5.02 submitted by the petitioner to the 2nd respondent.

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