

**Central Administrative Tribunal Lucknow Bench
Lucknow**

Original Application: 152/2010

This, the 11th ay of August, 2010

HON'BLE DR. A. K. MISHRA, MEMBER (A)

1. Rama Shankar Tripathi, aged about 54 years, s/o SriMahesh Datt, R/o Village and Post Suraur, Tehsil-Tanda, District-Ambedkar Nagar.
2. Hari Lal, aged about 56 years, s/o Sri Ramai, R/o Village and Post-Kichhauchha, Tehsil Tanda, District-Ambedkar Nagar.
3. Ram Niranjana Pandey, aged about 41 years, S/o Sri Ram Bahor Pandey, R/o Village Pausara, Post Mahaboobganj, Tehsi- Tanda, District Faizabad.
4. Rajendra Prasad Srivastava, R/o Village Kandipur Post Katghar Musa, District-Ambedkar Nagar.

Applicants

By Advocate Sri Shailesh Tiwari.

Versus

1. Union of India through the Secretary Department of Post, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director Postal Services, Lucknow Region, Lucknow.
4. Director, Ministry of Personnel and Training, New Delhi.
5. Senior Superintendent of Post Offices, Faizabad.

Respondents

By Advocate Sri Amarnath Singh.

Order (Oral)

By Hon'ble Dr. A. K. Mishra, Member (A)

Heard the learned counsel for the parties.

2. It is the case of the applicants that this Tribunal has decided the issue on 9.9.2009 in a identical matter in O.A.



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No. 44/2006. All the applicants were appointed as C.P. Chowkidar (contingent paid Chowkidar) long back from the year 1979 up to 1988. They were regularized in the year 1993 as Group 'D' employees of the department. They were also contributing to GPF from the year 1993 onwards. This deduction continued up to September 2005. But surprisingly, the respondent authorities have stopped their GPF deduction from the month of September 2005 in pursuance of the order dated 26.4.2004 which has been impugned in this O.A. Since, the applicants had been regularly appointed as Group D employees of the department since 1993, there was no occasion for the respondent authorities to stop their contribution to the GPF from September 2005. According to the applicants, it is not the case of the respondent authorities that they were appointed on regular basis after 1.4.2004. In such circumstances, the action of the respondent authorities is not justifiable. Similar matter was adjudicated by this Tribunal in O.A. referred above. Although, the applicants had made representations in the year 2006 and 2008, but no heed was given to their petitions. However, they have not filed any representation after the order was passed by this Tribunal on 9.9.2009.

3. In the circumstances, the applicants are directed to make a comprehensive representation citing the case law and the facts of the case before the competent authority. If such a representation is filed, the competent authority shall dispose it of according to rules and in the light of the case law cited by the applicants within a period of 2 months from the date of supply of a copy of this order and the representation. The respondent authorities may also

treat this O.A. as additional representation in the matter.

4. The O.A. is disposed of accordingly. However, if the applicants are still aggrieved with the order of the competent authority on their representations, they are at liberty to revive this O.A. No costs.


(Dr. A. K. Mishra)
Member (A)

v.