

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1485/95

DATE OF DECISION: 11/4/2000

Smt. Smita Umesh Kurtkoti & 5 Ors. Applicant.

Shri S.P.Kulkarni

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri S.S Karkera for

-----Advocate for
Respondents.

Shri P.M.Pradhan

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Baweja, Member(A)

1. To be referred to the Reporter or not? *ye*
2. Whether it needs to be circulated to
other Benches of the Tribunal? *} no*
3. Library.

R.G. Vaidyanatha
(R.G.VAIDYANATHA)
VICE CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH,
ORIGINAL APPLICATION NO:1485/95
DATED THE 11TH DAY OF APRIL, 2000.

CORAM:HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN.
HON'BLE SHRI D.S.BAWEJA, MEMBER(A).

1. Smt.Smita Umesh Kurtkoti,
Working as:Time Scale Sorting,
Assistant, Pune Sorting Office,
R.M.S., 'B' Division,
Pune - 411 001.
2. Smt.Swati Makarand Satalkar,
Working as:Time-Scale
Sorting Assistant,
Pune Sorting Office,
R.M.S. 'B' Division,
Pune-411 001.
3. Smt.Pratibha Madhav Chintamani,
Working as :Time Scale Sorting
Assistant, Pune Sorting Office,
R.M.S. 'B' Division, Pune,
Pune - 411 001.
4. Smt.Dnyanada Kamlakar Karyakarte,
Working as:Time Scale Sorting
Assistant, Pune Sorting Office,
R.M.S. 'B' Division, Pune,
Pune - 411 001.
5. Smt.Vidya Abhay Bendre,
Working as:Time Scale Sorting
Assistant, Pune Sorting Office,
R.M.S. 'B' Division, Pune,
Pune - 411 001.
6. Smt.Snehal Ramakant Joshi,
Working as:Time Scale Sorting
Assistant, Pune Sorting Office,
R.M.S., 'B' mDivision, Pune,
Pune - 411 001.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

1. Union of India,
Through:
Senior Superintendent of
Railway Mail Service, 'B' Division,
P.O.Adm. Building, Near Central
Telegraph Office, Pune-411 001.

...2.



:2:

2. Postmaster General,
Pune Region, P.O.Adm.Buildings,
Near C.T.O., Pune - 411 001.

3. Chief Postmaster General,
Maharashtra Circle, Old G.P.O.
Building, 2nd Floor,
Near B.B.V.T., Fort, Bombay,
BOMBAY - 400 001.

... Respondents.

By Advocate Shri S.S.Karkera for
Shri P.L.Pradhan

(ORAL) (ORDER)

Per Shri R.G.Vaidyanatha, Vice Chairman.

This is an application filed under section-19 of Administrative Tribunals Act. Respondents have filed reply. We have heard Shri S.P.Kulkarni for Applicant and Shri S.S.Karkera on behalf of Shri P.M.Pradhan, Counsel for Respondents.

2. The short point for consideration in this OA is whether the earlier service as Reserved Trained Pools should be considered for purpose of seniority and other service benefits after their regular appointment in 1988?

To answer this question only few admitted facts need to be mentioned.

The six applicants came to be appointed on different dates in 1983 as Reserved Trained Pool (RTP). They were selected as Sorting Assistants in Reserved Trained Pool and were given necessary training. Subsequently, on different dates in 1988, the applicants were regularly absorbed as Sorting Assistant. Now the Applicant's grievance is that their service as RTP from 1983 to 1988 should be counted for purpose of seniority, pay-fixation and all other service benefits. The different dates of

...3.



appointment as RTPs, the dates of training and the dates of regular appointment are given at Page-4 of the OA in para-4.1,

3. Applicants are relying on the decisions of different Benches of this Tribunal in particular Ernakulam Bench and Jabalpur Bench in support of their contention that they should be given the same benefit as given to Casual Labourers under the Casual Labourer regularisation scheme 1989 and some of the Tribunals have granted the relief.

4. Respondents have in their reply opposed the application. They have also taken the ground that the claim is barred by limitation and delay.

5. We have mentioned only necessary facts since the question is now no longer res integra and is covered by direct authority of Apex Court reported in 1997(2)SC SLJ-398(Union of India V/s. K.N.Sivadas & Ors) .


The judgement of Ernakulam Bench and other Benches which had given similar reliefs were questioned by Union of India by filing a writ petition in Supreme Court. The Apex Court has held that the RTPs cannot claim parity with Casual Labourers under the 1989 scheme and therefore they cannot get the benefit of regularisation of their earlier services as RTPs or to get any service benefits of that service. The Supreme Court has clearly held that the Tribunal was not right in granting the benefits of service rendered by RTPs prior to their regular appointment for getting any service benefits. Needless to say the applicants in this OA cannot claim the benefit of past service before being regularly appointed as RTPs.


10

:4:

6. In view of the above facts, we hold that the applicants are not entitled to any reliefs in view of the law declared by Apex Court. Regarding the point of limitation, the applicants were regularly appointed as RTPs in 1988 and they have filed this application in 1995(7years later) claiming the benefit of their past service from 1983 to 1988. Since the application has been filed after a delay of 7years, the claim is barred by limitation, delay and laches. However we need not go into details on this point since on merits the applicants are not entitled to any relief.

7. In the result, the application fails and is hereby dismissed. There will be no orders as to costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp.