

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 579/95

DATE OF DECISION: 13/6/2000

Mr. P. R. Palekar & 31 Ors. _____, Applicant.

Shri B. Ranganathan
-----Advocate for
Applicant.

Versus

Union of India & 3 Ors.
-----Respondents.

Shri S. S. Karkera for
-----Advocate for
Shri P. M. Pradhan
Respondents.

CORAM:

Hon'ble Shri L. Hmingliana, Member(A).
Hon'ble Shri Rafoqiddin, Member(J)

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

L. HMINGLIANA
(L. HMINGLIANA)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION: 579/95
DATED THE 13TH DAY OF JUNE, 2000

CORAM: HON'BLE SHRI L. HMINGLIANA, MEMBER(A)
HON'BLE SHRI RAFIQUDDIN, MEMBER(J)

1. Shri P.R. Palekar
2. Shri P.V. Bhave
3. Shri G.R. Pathwardhan
4. Shri V.L. Dhulgaonkar
5. Shri D.P. Gaikwad
6. Shri R.T. Nikumbh
7. Shri B.G. Thorat
8. Shri V.B. Shinde
9. Shri V.M. Bhutkar
10. Shri B.K. Joshi
11. Shri K.S. Thite
12. Shri S.M. Kulkarni
13. Shri L.D. Kulkarni
14. Shri Y.K. Chikodikar
15. Shri P.G. Saraf
16. Shri R.G. Mali
17. Shri V.N. Bhosale
18. Shri G.F. Agawane
19. Shri S.Y. Jagtap
20. Shri S.N. Peerzade
21. Shri R.S. Londhe
22. Shri D.S. Ghumatkar
23. Shri S.B. Angre
24. Shri V.N. Barve
25. Shri V.Krishnaji Upadhye
26. Shri V.K. Jagtap
27. Shri S.B. Shirke
28. Shri Y.B. Dhatekar
29. Shri R.S. Antarkar
30. Shri Y.A. Kamath
31. Shri D.W. Ghube
32. Shri N.J. Mujawar

... Applicants

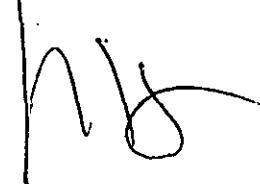
All Retired Postal Pensioners
engaged by the department as
Short Duty Staff for sorting
and other items of work.

By Advocate B.Ranganathan.

V/s.

1. Union of India,
Through Secretary to the
Government of India,
Ministry of Communication,
Dhak Bhavan,
Sansad Marg,
New Delhi - 110 001.

...2.



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2. Director General of Posts,
Dhak Bhavan, Sansad Marg,
New Delhi-110 001.
3. Senior Supdt. of Post Offices,
Pune City East Dn,
Pune - 411 037.
4. Senior Supdt. of Post Offices,
Pune City West Dn,
Pune - 411 030. Respondents.

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

(ORAL) (ORDER)

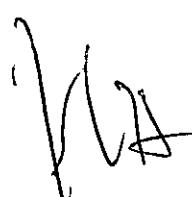
Per Shri L.Hmingliana, Member(A)

The 32 Applicants are retired Postal Employees who were engaged as short duty staff for the purpose of sorting out postal articles and their grievance is that they were getting less pay @ Rs.4.40 paisa per hour when the Reserved Trained Pool Staff(RTPS) were getting Rs.9.32 paisa per hour, at the time of filing the OA in June, 1995. It is their case that they were doing exactly the same work that the ~~as~~ RTP Staff are doing and they are entitled to the same rate of hourly wage.

Shri B.Ranganathan, their Learned Counsel has cited the order of the Full Bench of the Tribunal sitting at Bangalore dated 28/4/2000 in OA 659/99 and 672 to 677/99 answering the following question in the affirmative.

"Whether the Short Duty Postal Assistants, who are engaged after their retirement from service are entitled to claim payment at the same rate at which payments are made for doing similar work to the Reserved Trained Pool Candidates(RTPC)>"

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The Full Bench held as under:-

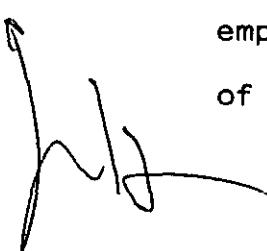
"We, therefore, have no hesitation in holding that payment of remuneration at a much lower rate of Rs.5.30 per hour in respect of the applicants, when they are engaged as SOPAs vis-a-vis the RTP personnel who are engaged on the same work but are paid at the rate of Rs.11.65 per hour, is untenable and contravenes the principle of equal treatment under Articles 14 and 16 of the Constitution."

The Learned Counsel has argued that the decision taken by the Full Bench, has to be followed.

2. Shri S.S.Karkera, Learned Counsel for the Respondents has cited the order of this Bench of the Tribunal dated 19/3/98 in OA-517/94 wherein it was held that Short Duty Staff were not entitled to ^{the} same rate of hourly wage like RTP Staff as they were already getting increase in Dearness Rate alongwith Pension. Shri Karkera pointed out that this Bench of the Tribunal relied on the judgement of the Supreme Court in Union of India V/s. G.Vasudevan Pillai and Ors. reported in 1995(2)SCC-32 in which the Supreme Court ruled as follows:-

"We, therefore, hold that the ex-service men were rightly debarred from Dearness Relief on their pensions after they got themselves re-employed to any civil post under the Government of India."

...4.



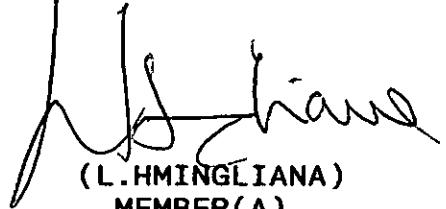
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3. The Learned Counsel has explained that the hourly rate for Short Duty Staff was fixed taking into account the Dearness Relief they were getting and the Supreme Courts Ruling would apply here.

4. We find that the ruling of the Supreme Court is not directly applicable to the applicants and we have the order of Full Bench sitting at Bangalore to follow.

The application is allowed. The applicants shall be paid hourly wage at the same rate as it is paid to RTP Staff. As regards their past service, they shall be paid the arrears of the difference between the wages which will be payable to them as per this order and the payments they actually received. The applicants will submit the details of their claims for verification of the Respondents and payment of the arrears shall be made within six months from the date they submit the details of their claims. No costs.


(RAFIQUDDIN)
MEMBER(J)


(L. H. MINGLIANA)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.No.111/2001 in
O.A.No.579/95

Dated this Tuesday the 11th Day of December, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastray, Member (A).

P.R. Palekar and 31 others. Applicants.
(By Advocate Shri J.M. Tanpure)

VERSUS

1. Shri B.N. Som,
Secretary to the Govt. of India,
Ministry of Communication,
Dak Bhavan, Sansad Marg,
New Delhi-110001 and also
Director General of Posts,
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.
2. Mr. Purushottam Sakharam Deshmukh,
Senior Supdt. of Post Offices,
Pune City East Dn.,
Pune - 411 037.
3. Mr. Sidrappa Mallappa Kalshetti,
Senior Supdt. of Post Offices,
Pune City West Dn.,
Pune - 411 030.

.. Contemnors.

(By Advocate Ms. H.P. Shah)

ORDER (ORAL)

{ Per : Justice Birendra Dikshit, Vice Chairman }

Learned Counsel for the Respondents states that Order stands implemented except in respect of 3 or 4 applicants. The reason for non-compliance stated is that, the claimants did not turn up to collect the money though all other formalities on the part of respondents are complete. Learned Counsel for applicant also accepts this position and states that applicants do not want to press the Contempt Petition under said circumstances.

B.G.J.

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Considering the circumstances of the case in which even notices have not been issued, we do not consider it necessary to proceed with the case. We dismiss the Contempt Petition as withdrawn.

No costs.

K. A. S.

(Smt. Shanta Shastry)
Member (A)

B. D. D.

(Birendra Dikshit)
Vice Chairman.

H.

Order/Judgement despatched
to Applicant/Respondent (s)
on 31.1.2002

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