

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 770/97

Date of Decision: 12.12.97

~~Bharatiya Postal Employees Union and other Applicant.~~

~~Shri C.B. Kale.~~

Advocate for  
Applicant.

Versus

~~Union of India and others.~~

Respondent(s)

~~Shri S.S.Karkera for  
Shri P.M.Pradhan.~~

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri, P.P. Srivastava, Member(A)

- (1) To be referred to the Reporter or not? *m*  
(2) Whether it needs to be circulated to other Benches of the Tribunal? *m*

*R.G. Vaidyanatha*  
(R.G. Vaidyanatha)  
Vice Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO: 6  
PRESCOT ROAD, MUMBAI:1

Original Application No. 770/97

Friday the 12th day of December 1997.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri P.P. Srivastava, Member (A)

Bharatiya Postal Employees Union  
Class III, Maharashtra Circle  
Dadar, Mumbai.

Shri A.S. Harbhare,  
Postal Asstt.  
Palghar H.Q.

Shri B.M. Walajkar  
Postal Asstt.  
Palghar H.O.

Shri H.R. Mahalagi  
Postal Asstt.  
Palghar H.O.

... Applicants.

By Advocate Shri C.B.Kale.

V/s.

Union of India through  
The Director General,  
Department of Posts,  
Dak Bhavan, New Delhi.

The Chief Postmaster General  
Maharashtra Circle, Mumbai.

The Supdt. of Post Offices,  
Raigad Division, Alibag.

The Supdt. of Post Offices,  
Thane West Division,  
Mira Road, Dist. Thane

The Sr. Supdt. Post Offices,  
Ratnagiri Division, Ratnagiri.

The Sr. Supdt. Post Offices,  
Goa Division, Panaji.

The Sr. Supdt. Post Offices,  
North East Division, Mumbai.

The Sr. Supdt. of Post Offices,  
Mumbai North Division, Mumbai.

The Sr. Supdt. R.M.S. Mumbai  
Central Division, Mumbai.

The Sr. Supdt. of Post Offices,  
Pune City East Division, Pune.



The Sr. Supdt. of Post Offices,  
Jalgaon.

The Supdt. of Post Offices,  
Satara Division, Satara.

The Supdt. Post Offices,  
Nanded Division, Nanded.

The Supdt. Post Offices,  
Nasik Mfl. Division, Nasik.

The Supdt. Postal Stores Depot,  
Nasik.

The Sr. Supdt. Post Offices,  
Nasik Division, Nasik.

The Supdt. Post Offices,  
Akola Division, Akola.

... Respondents.

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

O R D E R (ORAL)

¶ Per Shri Justice R.G. Vaidyanatha, Vice Chairman ¶

This is an application filed by Bharatiya Postal Employees Union Class III on behalf of all the R.T.Ps. The respondents have opposed the application. We have heard both the counsel regarding admission.

2. Some employees of the Postal Department have been earlier appointed as R.T.P. The applicants have <sup>been</sup> subsequently absorbed in the Postal Department. Now the applicants have made some grievance about their past service prior to their absorption. The application is mainly on the basis of the judgement given by other Benches of the CAT, Jabalpur, Ernakulam and Chandigarh.

The learned counsel for the respondents submits that the matter is covered by a recent judgement of the Supreme Court and therefore, the present application need not be admitted.

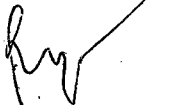
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3. As already stated the application is based on the judgement of other Benches of CAT, Jabalpur, Ernakulam and Chandigarh. In <sup>A</sup>the recent judgement of the Apex Court in the case of Union of India and Anr. V/s. K.N. Sivadas & Ors. reported in 1997(2) SC SLJ 398 <sup>has</sup> brought to our notice. The Union of India has challenged the judgement of other Benches of the CAT on identical question. The Apex Court has observed that the official in the R.T.P. cannot be treated and given the benefit which have been given to Casual labourers under the Scheme of 1989. The Supreme Court has clearly pointed out that unless the applicants have put in 5 years service before their absorption, <sup>me Period</sup> cannot be counted for the benefit of their earlier service. The Supreme Court has allowed the appeal and set aside the judgement of the Tribunal, On which the applicants are now pressing their claim.

4. In our view, in view of the recent judgement of the Supreme Court mentioned above, prayer in the present application cannot be granted except one, since they are covered by the said decision. The learned counsel for the applicant submitted that the question whether the applicant's training period of three months should be counted for the purpose of increment has not been considered by the Supreme Court. We do not <sup>know or</sup> what <sup>is</sup> the stand of the department on this point. It is better the applicants should exhaust the remedy by making <sup>a</sup>the representation to the department regarding <sup>it</sup>the claim, and <sup>if</sup>any such representation is made, the department may consider

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the same according to the Rules and pass appropriate order. If any adverse order is passed, the applicants can challenge the same according to law.

5. In the result the O.A. is disposed of at the admission stage, subject to above observation.  
No costs.



(P.P. Srivastava)  
Member (A)



(R.G. Vaidyanatha)  
Vice Chairman.

NS