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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.966/90.

Date of Judgment

4.3.1992

B.Suryanarayana

.. Applicant

Vs.

1. Union of India,  
Rep. by the Secretary,  
Min. of Communications,  
New Delhi-1.
2. Chief Postmaster-General,  
A.P.Circle,  
Hyderabad-500001.
3. Supdt. of Post Offices,  
Vizianagaram Division,  
Vizianagaram-531202  
Vizianagaram Dt. .. Respondents

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Counsel for the Applicant : Shri T.Jayant

Counsel for the Respondents: Shri N.Bhaskara Rao, Addl. CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

J Judgment as per Hon'ble Shri R.Balasubramanian, Member(A)

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This application has been filed by Shri B.Suryanarayana under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by the Secretary, Min. of Communications, New Delhi-1 & 2 others. The prayer is for a direction to the respondents to absorb him as a regular Postal Assistant in Vizianagaram Division at an early date. The applicant was successful in ~~an application~~ applying for the post of Postal Assistant in 1981. Vide his order dated 16.12.81, the 3rd respondent directed him to undergo practical training for a period of 15 days w.e.f. 21.12.81 at Vizianagaram H.O. for employment as Short Duty Postal Clerk. Thereafter, the 3rd respondent worked as Short Duty Postal Assistant for 120 days during the period January, 1982 to June, 1982. It is stated that he fulfills all the

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conditions stipulated in the D.G.P&T letter dated 28.12.71 according to which he was eligible to be absorbed as a Postal Assistant. When he was not appointed, he started representing and the respondents vide their letter dated 9.11.90 informed the applicant that he could not be absorbed as a Postal Assistant since he did not complete 120 days by the time the next recruitment was started on 26.4.82. It is against this that the applicant has approached this Tribunal with this O.A.

3. The respondents have filed a counter affidavit and opposed the application. It is admitted that he has completed 121 days between January, 1982 and June, 1982. It is their case that 26.4.82 should be taken as the crucial date for reckoning 120 days of service and according to them the applicant does not have 120 days of service as Short Duty Postal Assistant on this date. They have also raised the question that the Tribunal has no jurisdiction because the cause of action arose in 1982, much prior to the setting up of the Tribunal.

4. We have examined the case and heard the learned counsels for the rival sides. As regards jurisdiction, the contention of the respondents that the cause of action arose in 1982 is ~~simply~~ unacceptable. The cause of action arose in November, 1990 when they rejected the request of the applicant for absorption as a Postal Assistant. The applicant has approached us well in time and, therefore, neither the question of jurisdiction nor the question of limitation arises.

5. At the time of hearing, Shri T.Jayant, learned counsel for the applicant drew our attention to a judgment of this Tribunal dated 4.3.91 in R.P.No.50/90 in O.A.No.319/89. In that judgment this Bench had clearly stated that for the purpose of reckoning 120 days of service as Short Duty Postal Assistant, 1st January to 30th June and 1st July to 31st December each year should be taken as <sup>the</sup> two halves of the year. The applicant before us is placed in the same

(JA)

situation as the two applicants in R.P.50/90 in O.A.319/89. Hence, applying the principle laid down in the review petition we allow the application and direct the respondents to absorb him as a Postal Assistant from the date he was eligible for absorption. He is also entitled to consequential benefits thereof. The respondents shall comply with this order within a period of three months from the date of receipt of this order. The application is accordingly allowed with no order as to costs.

R.Balasubramanian

( R.Balasubramanian )  
Member(A).

T.Chandrasekhar Reddy

( T.Chandrasekhar Reddy )  
Member(J).

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Dated: 4<sup>th</sup> March, 1992.

Deputy Registrar(J)

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To

1. The Secretary, Union of India, Min. of Communications, New Delhi-1.
2. The Chief Postmaster-General, A.P.Circle, Hyderabad-1.
3. The Superintendent of Post Offices, Vizianagaram Division, Vizianagaram-202, Vizianagaram.
4. One copy to Mr.T.Jayant, Advocate CAT.Hyd.
5. One copy to Mr.Naram Bhaskar Rao, Addl. CGSC.CAT.Hyd.
6. One spare copy.

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TYPED BY  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)  
AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY;  
M(JUDL)

AND

THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

DATED: 4-3-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.Nc.

O.A.Nc. 966/90

T.A.No.

(W.P.No.)

Admitted and interim directions  
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

N.C. Order as to costs.

