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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.961/95

DATE OF ORDER : 29-04-1998.

Between :-

1. D.Mahender	6. S.Hanumanlu
2. U.Peeraji	7. G.Shankar Goud
3. K.Parameshwar	8. B.Jagdish
4. I.Shankhar Reddy	9. Mrs.G.Jyothi
5. Smt.K.Chudamani	10. Mrs.B.Vijayakumari

... Applicants

And

1. The Superintendent of Post Offices,  
Adilabad Division, Adilabad.
2. The Sr.Superintendent of Post Offices,  
Sec'bed Division, Sec'bed.
3. The Superintendent of Post Offices,  
Nizamabad Division, Nizamabad.
4. The Chief Post Master General,  
AP Circle, Hyderabad.
5. Union of India, rep; by the Secretary  
to the Department of Posts, New Delhi.

... Respondents

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Counsel for the Applicants : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri V.Bhimanma, CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).



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... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

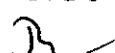
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Heard Sri K.Venkateshwar Rao, counsel for the applicants and Sri V.Bhimanna, standing counsel for the respondents.

2. There are 10 applicants in this O.A. They were initially appointed as Short Duty Postal Asst. in the vacancies that ~~may arise~~ <sup>were</sup> due to leave, deputation etc., and to meet peak hours rush without any OT Allowance. One of the order issued is at Annexure-III (Page-9 to the OA). The applicants submitted ~~their~~ representations for regularisation as Postal Assistant in Adilabad Division in which there ~~are~~ <sup>were</sup> posts for regularisation from the date of their initial appointment as Short Duty Postal Asst. The applicants rely on the judgement of this Tribunal in OA 739/93 dt.22-6-94 to seek for the above relief.

3. This OA is filed for a declaration that the applicants are entitled to be treated as having been regularly appointed as Postal Assistants w.e.f. the date on ~~which~~ which they joined as short duty clerks on completion of both theoretical and practical training on 21-12-1981 with all consequential benefits such as pay and allowances seniority and other attendant benefits as per the judgement in OA 739/93 dt.22-9-94.

4. Recently the Hon'ble Supreme Court has held that short duty RTPs cannot be given seniority from the date of their initial appointment as Short duty RTPs (1997 (7) JT 11-8-97-Union of India & others Vs. K.M.Siva Das & others). That judgement of the Supreme

  Court came ~~much~~ later than the judgement in OA739/93. Hence the

Supreme Court judgement is to be considered.

5. However, the learned counsel for the applicants submits that it is by mistake that the applicants were posted as short duty postal assistants against the vacancies and hence they should be regularised from the date of their initial appointments.

6. A reply has been filed in this O.A. In para-3 of the reply, the details of dates from which the applicants herein were appointed regularly has been indicated. It is further stated that the applicants <sup>could</sup> ~~cannot~~ be absorbed earlier for want of clear vacancies.

They worked as Short Duty Clerks wrongly on payment of rates prescribed from time to time. Hence they submit that the O.A. has to be dismissed. In the reply it is also stated that the Judgement of this Tribunal in OA 1138/91 decided on 3-8-94 which is similar case in which an appeal has been filed. That <sup>Reported & Translated</sup> judgement is <sup>enclosed</sup> ~~enclosed~~ as annexure R-1 to the reply. It is further stated that the judgement in that OA i.e. OA 1138/91 is stayed <sup>such</sup> by <sup>the</sup> Supreme Court. However, we find no <sup>such</sup> annexure to the reply. Hence we are unable to appreciate the above submission of the respondents.

7. Be that as it may, the Supreme Court judgement now is clear. The only point for consideration is whether the applicants were <sup>against regular vacancies</sup> appointed <sup>regularly</sup> initially itself. The learned counsel for <sup>(applicants)</sup> the applicants submits that they/were trained for three months

*R*

*D*

applicable to a regular Postal Assistant. For a short Duty postal Assistant the training period is only 15 days. Hence as the applicants were trained for three months, they are to be treated as regularly selected Postal Assistants. This is a new point which has been brought out in this case. Hence we feel that the <sup>new</sup> applicants may submit a detailed representation in this connection to the respondents. If such a representation is received, the respondents may dispose it of taking due note of the submissions of <sup>applicants</sup> the standing counsel and other relevant points within a period of three months from the date of receipt of the representations.

8. With the above direction, the O.A. is disposed of. No order as to costs.

  
(B.S.JAI PARAMESHWAR)  
Member (J)  
29/4/98

  
(R.RANGARAJAN)  
Member (A)

  
Dated: 29th April, 1998.  
Dictated in Open Court.

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DA.961/95

Copy to:-

1. The Superintendent of Post Offices, Adilabad Division, Adilabad.
2. The Sr. Superintendent of Post Offices, Sec'bad Division, Sec'bad.
3. The Superintendent of Post Offices, Nizamabad Division, Nizamabad.
4. The Chief Post Master General, A.P. Circle, Hyderabad.
5. The Secretary to the Department of Posts, New Delhi.
6. One copy to Mr. K. Venkateswara Rao, Advocate, CAT., Hyd.
7. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate copy.

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II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M (J)

DATED: 29/4/98

ORDER/JUDGMENT

~~M.A./R.A./C.P.NO.~~

in  
O.A. NO. 961/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

Central Administrative Tribunal  
Hyderabad Bench  
HYDERABAD BENCH

19 MAY 1998

Despatch

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RECEIVED  
CIVIL/APPAL SECTION