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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

ORIGINAL APPLICATION NO. 671 of 1996

Date of decision: 12-6-96

Mr. Mir Asgar Ali & Mr. Mir Abid Ali APPLICANT(S)

Versus

Sr. Supdt. of Post Offices, South Division,
Kachiguda, Hyderabad and two others

..... RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters
or not? No

2. Whether it be circulated to all the
Benches of C.A.T. or not? No


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman/MXXXX ()

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.671/96

decided on : 12-6-96

Between

1. Mir Asgar Ali
2. Mir Abid Ali : Applicants

and

1. Senior Supdt. of Post Offices
South Division, Kachiguda
Hyderabad

2. DG of Posts & Telegraphs
Dak Bhavan, New Delhi

3. Post Master General
GPO, Abids, Hyderabad : Respondents

Counsel for the Applicants : Smt. Kiranmayee Noori &
Mr. Kalyan Rao Joshi
Advocates

Counsel for the respondents : V. Rajeswara Rao, Addl. CGSC

Coram :

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Heard. The OA is admitted.

2. By consent taken up for final orders. We do not propose to enter on the merits of the claim of the applicants but we have admitted the OA only on the narrow ground that the senior Superintendent of Post Offices, Hyderabad South East Division, has not passed the impugned order dated 19-12-1995 consistently with the directions

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given by the Tribunal in the order dated 16-10-1995 in OA.450/95 and therefore the matter requires to be remitted to him for fresh considerations.

3. By the order in the OA it was directed that the representation of the applicants dated 3-10-1994 be disposed of. It is necessarily implied that the points raised in the said representation had to be considered and a decision taken in the light of conclusions ~~of reached on~~ these points. The said representation which is at Annexure A.1 shows that the following points were raised by the applicants in the said representation viz.:

- i) The Director General has clarified the position and has directed to the extent of the benefit accrued after merger of the candidates.
- ii) In 1959 the erstwhile workers union has taken up the matter of regularisation of service, ~~but not~~ promotion, pay fixation and other benefits as per the circular of the Director General issued in 1956-57.
- iii) The matter was never settled in the light of these circulars and instructions in respect of employees of erstwhile Hyderabad State.
- iv) The representation ~~on~~ the question of settlement of the problems of the employees of former State had been kept in cold storage and no settlement of these issues was done.

4. The impugned order does not refer to these points nor records any reasons as to why these could not be accepted. It was open to the authority concerned to deal with these points in such a manner as was possible in accordance with the instructions, rules and records.

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That exercise has clearly not been done. The statement that the personal files of the applicants were weeded out cannot be accepted as material record could not have been totally weeded out and in any event circulars issued by the Department could not have been weeded out. If the service records of the applicants were not available then in the light of the circulars suitable steps could be taken to ascertain the service particulars of the applicants and then the question resolved. The service particulars also could be reconstructed particularly because the impugned order shows that the service books are very much available and ~~also very much~~ ^{could be} parused. There is no ~~elucidation~~ ^{illustration} as to why despite this record being available it was not possible to examine the grievance of the applicants in the light of circulars as ~~could be~~ available.

5. A reading of the impugned order shows that the senior Superintendent has done only a lip-service to the directions of this Tribunal and has not followed it in its true spirit. After all it was not the fault of the applicants that they ~~have~~ ^{had} joined service in the erstwhile State and it appears that even their grievances as well as grievances of similarly placed persons were being voiced since 1959. It was, therefore, much more incumbent upon the senior Superintendent to examine the case of the applicants sympathetically and in depth. That exercise has not been done, and that amounts to non-compliance with the directions of the Tribunal given in the earlier OA in its correct perspective.

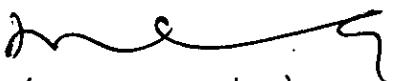
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6. For the foregoing reasons the impugned order dated 19-12-1995 is set aside and the Senior Superintendent of Post Offices, Hyderabad, South East Division, is directed to reconsider the representations of the applicants dated 3-10-1994 on merits in the light of observations contained herein above. We hope that special efforts will be made to trace out the relevant circulars and the service particulars of the applicants so that the representations can be disposed of on merits as directed. We make it clear we have not expressed any opinion as to the merits of the claims of the applicants and all the aspects are open to be considered at the time of examining and deciding the representation.

7. The OA is accordingly disposed of. No order as to costs.



(R. Rangarajan)
Member (Admn.)



(M.G. Chaudhari)
Vice Chairman

Dated : June 12, 96
Dictated in Open Court

1996

Deputy Registrar OJCC

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