

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 683/97.

Dt. of Decision : 9-6-97.

M. Sivanandaiah

.. Applicant.

Vs

1. The Superintendent of Post Offices,
Guntakal Dn. Guntakal-801.

2. The Superintendent of Post Offices,
Hindupur Dn, Hindupur-201.

3. The Director General,
Dept. of Posts, New Delhi.

.. Respondents..

Counsel for the applicant : Mr. Krishna Devan

Counsel for the respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

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

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ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

None for the applicant. Heard Mr.N.R.Devaraj, learned counsel for the respondents.

2. Even ^{on} the previous date of hearing, the applicant or his counsel was not present. Hence, the OA is disposed of in view of the fact that the OA is already covered by the previous judgement.

3. The applicant in this OA was appointed as a Short Duty Postal Assistant by the order of the 1st respondent in letter No.B3/SDC/81-82 dated 19-9-93. He was regularised as Postal Assistant w.e.f., 14-6-88 in Central Calcutta Division, Calcutta. He was transferred from there to Guntakal on 31-1-91 and to Hindupur on 3-10-91 and since then ^{he has been} continuing as Postal Assistant in Hindupur Division.


4. This OA is filed for a direction to the respondents herein to pay him the pay and allowances as are applicable to the regular Postal Assistant for the period he worked as R.T.P. Short Duty Postal Assistant from 30-1-84 to 7-6-88 including holidays & Sundays and all the consequential benefits by holding that the impugned order No.B3/SDPAs dated 6-5-96 (Annexure-6) issued by the Superintendent of Post Offices, Hindupur, whereby ^{it is stated that} the ruling of the judgement in OA.1784/92 is only applicable to the applicant who approached the Tribunal and not to be extended to others ^{herein} similarly situated employees like the applicant, ^{is} arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.


5. In ~~a similar~~ ^{Came up} OA.675/94 where similar point for consideration, ~~came up~~ ^{then} this Tribunal passed the order to follow the Apex Court judgement in SLP.8193/93 in C.C.No. 29847/93 filed against the judgement in OA.962/93. ~~It~~ ^{is} a similar case we feel a direction as given in OA.675/94 will also hold good in this OA also.

6. In view of the above, the following direction is given:-

If ultimately SLP.No.8193/93 in C.C.No.20847/93 filed in the Apex Court against the judgement of batch case in OA.814/90 and batch are going to be dismissed, the applicants herein also has to be given the same benefit of temporary status and consequential benefits thereon that were granted to applicants in OA.814/90 and batch case before Ernakulam Bench reported in 1993 (23) ATC 822. But, if the said S.L.P. is going to be allowed, this OA stands ~~ex~~ dismissed. If any modified order is going to be passed by the Apex Court, the applicants herein are also entitled to the benefits granted by the modified judgement of the Hon'ble Apex Court.

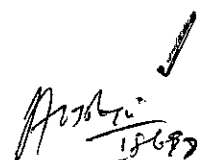
7. The OA is ordered accordingly at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 9th June 1997.
(Dictated in the Open Court)

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D.R. (J)

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Copy to:

1. The Superintendent of Post Offices,
Guntakal Division, Guntakal.
2. The Superintendent of Post Offices,
Hindupur Division, Hindupur.
3. The Director General, Dept. of Posts,
New Delhi.
4. One copy to Mr. Krishna Devan, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

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8/7/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED:

9/6/97

ORDER/JUDGEMENT.

M.A./R.A/C.A.NO.

in

O.A.NO. 683/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

Accepted

