

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/00491/2016

Date of Order: 21.7.2016

CORAM

Hon'ble Mrs. Jasmine Ahmed, Judicial Member

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Mahendra Kumar Jain S/o Saubhagmal Jain, aged about 52 years r/o Village and Post Sisola, Teh. Nainwa, Distt. Bundi presently working as GDSBPM, SO Nainwa, Bundi since 4.2.1984.

.....Applicant

(By Advocate Mr. P.N.Jatti)

VERSUS

1. Union of India, through the Secretary to the Government of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.

2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.

3. The Superintendent of Post Offices, Tonk Division, Tonk, Rajasthan.

.....Respondents

ORDER

(Per Hon'ble Mrs. Jasmine Ahmed, Judicial Member)

This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying the reliefs quoted under.

On the basis of the facts and circumstances the humble applicant prays for the following relief(s):-

8.1 That by a suitable writ/order or the directions the respondents be directed to allow the status of civil servant to the applicant.

8.2 That by a suitable writ/order or the directions the respondents be directed to allow all the benefits attached with the civil post to the applicant.

8.3 That by a suitable writ/order or the directions the respondents be directed to consider the representation of the applicant in the light of the judgment dated 22.4.1977 and in the light of the recommendation of Talwar Committee.

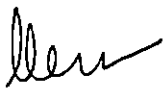
8.4 Any other relief which the Hon'ble bench deem fit.

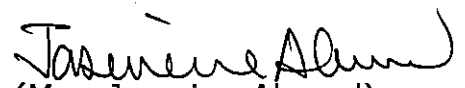
Jasmine Ahmed 1



in which they must carry out their duties and states that undoubtedly there is relationship between the postal authorities and E.D. agents (GDS) is of master and servant. The counsel for the applicant also placed his reliance on the judgment of the Apex Court in the case of Theyyam Joseph reported in (1996) Vol.8 SCC 489 and held that E.D. agents are civil servants regulated by Conduct Rules and by necessary implication they do not belong to category of workmen to be attracted the provisions of Industrial Disputes Act, 1947. He also says that Gramin Dak Sevak employees carry out the work same type of which the departmental employees perform, hence depriving them from the benefits enjoyed by the other regular employees who are treated as holder of civil post is arbitrary and illegal and violation of principles of natural justice. In this regard the counsel for applicant states that applicant has preferred a representation which is Annx. A/1 of the OA and prays that he will be happy and satisfied if a direction is given by this Tribunal to decide the representation within a stipulated time frame taking into consideration the categorical contentions raised in the representation.

2. Accordingly the respondents are directed to decide the representation of the applicant and also to take a decision whether the post of Gramin Dak Sevak is civil post or not within 3 months from the date of receipt of copy of this order.


(Ms. Meenakshi Hooja)
Member (A)


(Mrs. Jasmine Ahmed)
Member (J)

Adm/