

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: 10.1.2001

OA 303/96

Suresh Chandra Sharma s/o Sh. Ram Vilas Sharma aged about 33 years, resident of Plot No. 4, Shriji Nagar, Durgapura, Jaipur and presently posted as Postal Assistant, Jaipur City, P.O., Jaipur.

.... Applicant.

Versus

1. Union of India through Secretary to the Govt. of India, Department of Posts, Ministry of Communication, Sancha Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Office, Jaipur City, Postal Division, Jaipur.

.... Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

Mr. K.N. Shrimai, Counsel for the respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Member (Judicial).
Hon'ble Mr. Gopal Singh, Member (Administrative)

ORDER

PER HON'BLE MR. GOPAL SINGH MEMBER (ADMINISTRATIVE)

Applicant, Suresh Chandra Sharma, has prayed in this application u/s 19 of the Administrative Tribunals Act, 1985, for a direction to the respondents to extend the benefit of the judgement of the Hon'ble Tribunals to him as well, as also for a direction to the respondents to count his service rendered as Reserve Trained Pool (RTP)

Gopal Singh

before regularisation for purposes of seniority and promotion with effect from the date of his initial appointment condoning the intermittent breaks, if any. He has also claimed difference of wages treating him at par with the regular employees from the date of his initial appointment.

2. We have heard the learned counsel for the parties and have gone through the records.

3. The main contention of the learned counsel for the respondents is that the orders passed by various Benches of the Tribunal are applicable only to applicants therein and not to all similarly situated persons. The learned counsel for the applicant has relied on a decision of this Bench of the Tribunal rendered in OA 699/93 (Mahipal Jain v. Union of India and others) dated 17.5.94, which reads as follows:-

"Heard the learned counsel for the parties and have perused Annexure A-4, the judgement of the Central Administrative Tribunal, Chandigarh Bench, decided on 25.9.91 in OA no. 1172/PB of 1989 (Mrs. Puramjit Kaur & Mrs. Naresh Kumari v. Union of India) and the judgement of the Ernakulam Bench in OA no. 784/92 decided on 24.5.93. The judgement of the Chandigarh Bench has specifically mentioned that the application is filed for the benefit of higher pay scale and on the basis of the judgement it was observed by the Tribunal that by persons of similarly posts, bar of limitation will not arise. In fact, Article 14 comes into play as the judgement is a Law and it should be applied equally in favour of the similarly situated persons and the respondents should not encourage the litigation by giving the benefit only to those who have approached this court and declining to give benefit only to those who have not approached the Court. We direct the respondents to examine the matter of the applicants in the light of the said judgement and if the applicants are similarly situated persons, then the benefit of the judgement of the Chandigarh Bench and Ernakulam Bench should be given to the applicants also. The process of examination should be completed within four months from the date of receipt of a copy of this order. OA is disposed of accordingly with no order as to costs."

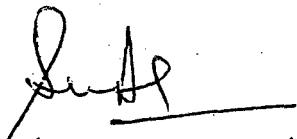
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4. In the circumstances of the present case, we also direct, following the decisions given by the Jabalpur Bench and this Bench of the Tribunal rendered in OA 653/94 (Kalu Ram Kumawat and Sardar Mal Yogi v. Union of India and others) dated 12.9.95, that the respondents shall examine the case of the applicant for grant of minimum of the regular pay scale of Postal Assistant to the applicant with effect from the date from which he was initially appointed to the date when he was appointed as Postal Assistant on a regular basis and to extend to him the benefit of the minimum of the regular scale of pay of Postal Assistant for the aforesaid period, if the facts of the case are found to be similar to the applicants in TA No. 82/96, All India Postal Employees v. Union of India and others, decided by the Jabalpur Bench of the Tribunal on 16.12.86. The respondents shall carry out this process of examination in case of the applicant and grant the necessary pay scale, if found admissible on such examination, within a period of four months from the date of receipt of a copy of this order.

5. The OA is decided accordingly with no order as to costs.


(GOPAL SINGH)

MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)