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**CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH,  
CHANDIGARH.**

O.A.No.060/01075/2014

Decided on : 16.09.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER  
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER

Pardeep Jain, Assistant Post Office, Ambala City (HQ), District Ambala.

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Applicant

Versus

1. Union of India through Secretary, Post and Telegraph Department, New Delhi.
2. The Postmaster General, Haryana Circle, Ambala.
3. Senior Superintendent of Post Offices, Division Ambala.
4. Superintendent RMS, HR Division Ambala, District Ambala.

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Respondents

Present: Mr. Inderjit Sharma, proxy for Mr. D.R.Singla, counsel for the applicant  
Mr. A.L.Vohra, counsel for the respondents

**ORDER**  
**HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)**

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

- “8 (i) The impugned order dated 12.08.2014 (Annexure A-2) be quashed and the applicant may be allowed the same pay and allowances at the rates available to regular Postal Assistants during the entire period for which the applicant discharged his duties as Postal Assistant in the Reserve Trained Pool.
- (ii) The seniority and all other allowances like Bonus, House Rent, City Compensatory Allowances, Annual Increments, Earned Leave, Wages for Holidays Gazetted Holidays wages for lunch break and all the other financial benefits be given to the applicant as were

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available to the regular Postal Assistants in the Reserved Trained Pool.

- (iii) The order dated 12.08.2014 passed by the respondents which is totally illegal, arbitrary, unconstitutional because the same was passed by the respondent without giving proper opportunity of hearing to the appellant. No notice was also issued to the petitioner which is not sustainable in the eyes of law.
- (iv) The earlier order dated 31.07.2014 passed by the respondents is rightly passed on the basis of the direction issued by the Hon'ble High Court, the same may be restored."

2. Averment has been made in the OA that the applicant was appointed as SA (Reserved Trained Pool) after having undergone requisite training. He was being paid on hourly rates which was much less than the pay and allowances drawn by regular Postal Assistants. The applicant earlier filed OA No.788/HR/2001 for grant of benefits and the same was allowed vide order dated 31.10.2003 (Annexure A-3). CWP filed in this matter was disposed of by the Hon'ble High Court vide order dated 18.02.2014 (Annexure A-4). Respondent no.4 then granted the benefit claimed by the applicant vide order dated 31.07.2014 (Annexure A-1). However, after 12 days, vide order dated 12.08.2014, without issuing any show cause notice or affording opportunity of hearing, and the benefits allowed earlier were withdrawn vide the impugned order (Annexure A-2). Hence this OA.

3. In the grounds for relief it has, inter-alia, been stated as follows:-

- "i) The impugned order dated 12.08.2014 has been passed without opportunity of hearing and without issuing any show cause notice which is clearly in violation of principles of natural justice, equity and fair play.

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- ii) Vide impugned order the benefit granted has been withdrawn even without opportunity of hearing and giving any reason, thus, the same is arbitrary and illegal.
- iii) Vide order dated 31.07.2014 certain benefits had been granted and civil right had accrued in favour of the applicant and the same cannot be withdrawn without opportunity of hearing.
- iv) The applicant was directed to discharge the duties of the Postal Assistant in the Reserve Trained Pool after having requisite Training. The applicant was appointed on certain dates in the Reserved Trained Pool category as mentioned in para 3 of the application, the applicant was discharging the identical duties as were being discharged by the Postal Assistants appointed on regular basis but they are being denied the same salary and other service benefits as were being paid to the regular Postal Assistants. In view of the order by this Tribunal in OA No.788/HR/2001 the respondents were directed to grant the same salary and other benefits as were being paid to the Postal Assistant appointed on regular basis for the period during which the applicant had been working the Reserved Training Pool."

4. In the written statement filed on behalf of the respondents, preliminary objection has been taken that the OA was barred by the principle of res-judicata, since the applicant along with 18 others had filed OA No.788/HR/2001 seeking relief as follows:-

- "i) Applicants may be allowed the same pay and allowances at the rates available to regular Postal Assistants during the entire period for which the applicants discharged their duties as Postal Assistants in the Reserved Training Pool.
- ii) The seniority and all other allowances like Bonus, House Rent, City Compensatory Allowances, Annual Increments, Earned Leave, Wages for Holidays, Gazetted Holidays, Wages for lunch break and all other financial benefits be given to the applicants as were available to the Regular Postal Assistants in the Reserved Training Pool.
- iii) The applicants may be allowed the benefits as granted by this Tribunal in the judgment of Binder Ram & Ors. Vs. UOI, in OA No.282 of 1986, decided on 29.04.1987, Chaman Lal & Ors. Vs. UOI

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in OA No.868/PB/1988, decided on 27.07.1990 and OA No. 472/HR/1991 Des Raj Brar & Ors. Vs. UOI."

5. This OA was adjudicated by this Tribunal vide judgment dated 31.10.2003. In the present OA also, the applicant had sought similar relief while also seeking quashing of the order dated 12.08.2014.

6. No rejoinder was filed on behalf of the applicant.

7. When the matter came up for consideration today i.e. 16.09.2015, learned counsel for the applicant stated that he would be satisfied if directions were to be issued to the respondents to issue show cause notice to the applicant regarding withdrawal of order dated 31.07.2014 through which the respondents had complied with order dated 31.10.2003 passed by the C.A.T. Chandigarh Bench in OA No.788/HR/2001 titled Pardeep Jain & Ors. Vs. UOI & Ors.". He stated that CWP filed in this matter was dismissed. The impugned order dated 12.08.2014 was issued but the applicant was not afforded any opportunity of putting forth his case in the matter and hence the respondents had violated the principles of natural justice.

8. Learned counsel for the respondents object to this prayer made by the learned counsel for the applicant. He stated that the impugned order had been issued a mere 12 days after the order dated 31.07.2014. The order of 31.07.2014 had wrongly been issued indicating the date of regular appointment of the applicant as Postal Assistant as 29.10.1982. He also pressed that the OA was barred by the principle of res-judicata.

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9. We have carefully considered the matter. Since the respondents were withdrawing the order dated 31.07.2014 wherein the date of regular appointment as Postal Assistant in respect of the applicant was treated as 29.10.1982 and thereafter the impugned order dated 12.08.2014 was issued wherein the date of appointment a regular PA / SA was shown as 04.08.1990, the applicants should have issued show cause notice to the applicant before the order dated 31.07.2014 was withdrawn as the later order dated 12.08.2014 was disadvantageous to the applicant vis-a-vis order dated 31.07.2014.

10. Hence, this OA is disposed of with direction to the respondents to issue show cause notice to the applicant regarding withdrawal of order dated 31.07.2014 (Annexure A-2) and the applicant be afforded adequate opportunity to be heard in the matter. Action in this regard may be completed within a period of six weeks from the date of receipt of a certified copy of this order being served upon the respondents. Meanwhile the order dated 12.08.2014 (Annexure A-1) qua the applicant, shall remain in abeyance.

11. The OA is disposed of with these directions. No costs.

R. S.  
(RAJWANT SANDHU)  
ADMINISTRATIVE MEMBER

B. A. Agrawal  
(DR. BRAHM A. AGRAWAL)  
JUDICIAL MEMBER

Place: Chandigarh  
Dated: 16.09.2015  
SV:

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH ,  
CHANDIGARH .**

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31.O.A. No.060/01075/2014

**(PARDEEP JAIN VS. UOI)**

**21.05.2015**

Present: Mr. Inderjit Sharma, proxy for Mr.D.R. Singla,  
counsel for the applicant.  
Mr. A.L. Vohra, counsel for the respondents.

Adjourned to 15.07.2015.

*B* *RS*  
**(DR. BRAHM A. AGRAWAL) (RAJWANT SANDHU)**  
**MEMBER (J) MEMBER (A)**

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