

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00442/2017

DATED THIS THE 23<sup>RD</sup> DAY OF JULY, 2018

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI DINESH SHARMA, MEMBER (A)**

1. Gurunath Akkanna,  
S/o Kashappa Akkanna  
Aged 53 years,  
Working as Accountant,  
Bidar HPO-585 401,  
Residing at H. No. 19-1-131,  
Shivanagara South,  
Bankers Colony,  
Bidar – 585 401.

2. Mallikarjun Vakare,  
S/o Kashappa Vakare,  
Aged 58 years,  
Working as Sub-Postmaster,  
Mangalwarpet,  
Bidar – 585 401,  
Residing at H. No. 9-8-28,  
Vidyanagar Colony,  
BVB College Road,  
Bidar – 585 403

.....Applicants

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India,  
By Secretary,  
Department of Posts,  
Dak Bhavan,  
New Delhi – 110 001.

2. The Postmaster General,  
N.K. Region,  
Dharwad-580 001.

3. The Superintendent of Post Offices,  
Bidar Division,  
Bidar – 585 401

....Respondents

(By Shri S. Sugumaran, Counsel for Respondent No. 1 to 3)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Both counsels submit that the matter in its principle is covered by Annexure-A7 judgment of the Hon'ble Bench at Ernakulam. At the instance of the learned counsels we had gone through it and find that the matter seems to be similar in all respects. We do not find any reason not to follow the same judgment as it is in compliance with the rules as available. At this point Shri S. Sugumaran, learned counsel for the respondents, submits that there may be an issue of counting the service as some break in service will also have to be accommodated and adjusted. That we will leave it to the respondents themselves to rationally accommodate it so that the break will be excluded and

the other surviving element only will be taken into account but otherwise to the extent possible the Ernakulam Bench decision will be followed in the case of the applicants also. At this point of time Shri Sugumaran, learned counsel for the respondents, submits that it may be made clear that the MACP will not be applicable, but that is covered by the Ernakulam Bench judgment also. That will not be to the extent as is shown.

2. The OA is allowed to this limited extent. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00442/2017**

Annexure A1 Copy of the order dated 04.06.1983

Annexure A2 Copy of the order dated 03.08.1983

Annexure A3 Copy of the order dated 05.12.1983

Annexure A4 Copy of the order dated 10.09.1987

Annexure A5 Series Copy of the applicant's representations dated 28.02.2011

Annexure A6 Copy of the circular dated 12.04.2012

Annexure A7 Copy of the order dated 01.10.2013 of Central Administrative Tribunal, Ernakulam Bench in O.A. No. 79/2011 and connected matters

Annexure A8 Copy of the representation of the applicant dated 07.11.2015

Annexure A9 Copy of the representation of the applicant dated 07.11.2015

Annexure A10 Copy of the order dated 20.01.2017 in O.A. No. 744/2016

Annexure A11 Copy of the order dated 17.05.2017

**Annexures with reply statement**

Nil

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