

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO. 170/00531/2017

DATED THIS THE 1ST DAY OF AUGUST, 2018

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

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

1.Channabasappa,
Aged 45 years,
S/o Puttabasappa,
Working as Mail overseer,
Nanjangud Postal Divison,
Nanjangud-571301.
Residing at: 16th Ward,
16th Cross,Nageshwara Layout,
Near Kalamandir, RP Road,
Nanjangud- 571 301.

2.B.S.Basavarajappa,
Aged 54 years,
S/o Late G.Sadashivappa,
Working as Mail overseer,
Chamarajanagar Sub-Divison,
Chamarajanagar 571313.
Residing at: Parvathi Nilaya,
Basaveshwaranagar,
PWD 3rd Cross,
Chamarajanagar- 571313,

3. M.Madappa,
Aged 44 years,
S/o Late Mariswamappa,
Working as Postman,
Bannur SO,571 101.
Residing at : Danaya Kanpura PO,
Kasaba Hobli.
T.Narasipura Taluk.

...Applicants

(By Shri P.Kamalesan..... Advocate)

Vs.

1. The Union of India,
Represented by the Secretary,
Department of Posts,
Dak Bhavan, New Delhi – 110001.

2. Postmaster General,
S.K. Region,
Bangalore – 560 001.

3. Chief Post Master General,
Karnataka Circle,
Bangalore- 560 001

4. Superintendent of Post Offices,
Nanjangud Postal Division,
Nanjangud 571 301.

...Respondents

(By Shri Dilip Kumar... ACGSC)

O R D E R (ORAL)

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

Heard. This matter is covered by our order in OA.No. 1553 to 1562/2013 dated 30.06.2015, which matter went up to the Hon'ble High Court of Karnataka in W.P.No.36923/2016 dated 25.08.2016, then the matter was taken up to the Hon'ble Apex Court and the Apex Court having dismissed the SLP, the matter has become final in SLP.Nos. 2286-2295/2017, even though the question of law was kept open, no other decision of the Hon'ble Apex Court is forthcoming on the subject. Therefore the matter is now settled.

2. The claim now raised by the respondents is that this a judgment in persona and not in rem. It is not correct. The Judgment in question relates to laying down a principle and thus, this judgment is in rem, which is applicable to everyone.

3. Therefore this OA is allowed in terms of the earlier orders passed. The benefits to be made available to the applicants within 2 months next.

4. OA is Allowed. No order as to costs.

(DINESH SHARMA)
MEMBER(A)

(DR K.B. SURESH)
MEMBER(J)

vmr.

Annexures referred to by the Applicants in OA.No. 531/2017

Annexure A-1: Copy of the OA.86-88/2016 filed by applicants along with Annexure.

Annexure A-2: Copy of CAT order dated 15.11.2016 in OA.86-88/2016

Annexure A-3: Copy of Superintendent of Post Offices, Nanjangud Postal Division letter dated 22.2.2017, 02.2.2017.

Annexure A-4: Copy of Hon'ble High Court of Karnataka, order dated 25.8.2016 in WP.No.36123/2016 in C/w 32846-55/ C/w 32858-867/2016(S-CAT) & in WP.36923/2016.

Annexure A-5: Copy of Hon'ble Apex Court order dated 11.8.2017 in SLP No.2286-95/2017.

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