

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION. NO.170/00719 AND 720/2017

DATED THIS THE 14TH DAY OF AUGUST, 2018

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

HON'BLE SHRI C.V. SANKAR, MEMBER(A)

1.P.N. Sathish,
S/o Late Narasimhaiah,
Aged about 38 years
Working as Postmaster Grade-I,
Koteshwara PO-576 222,
Residing at Chamundipura,
Ayanoor SO, Shimoga – 577 211.

2.S.M. Ranagnath,
S/o Mudalagiri,
Aged 37 years,
Working as Postmaster Grade-I,
Dasarahalli P.O.,
Bengaluru-560 057.
Residing at No.210,
D.S. Max Seldom Apartment,
Dasarahalli PO, Bengaluru – 560 057.Applicants

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India,
Represented by the Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.

2.The Assistant Director General (DE),
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.

3. The Postmaster General,
Karnataka Circle,
Bengaluru – 560 001. ...Respondents.

(By Shri V.N. Holla, Senior Panel Counsel)

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

Heard. Apparently, we had passed an order which was confirmed by the Hon'ble High Court of Karnataka. A similar matrix was agitated before the Principal Bench, in which the Principal Bench had passed an opposing order citing an error which has crept in relation to Recruitment Rules. This was taken up to the High Court by the department and the Delhi High Court said in W.P(C) 3591/2016 in Satish Kumar Meena vs. Union of India that there is in fact an error in assuming that there were no Recruitment Rules relating to the issue. That being so, the Delhi High Court had held that in same position as the applicants herein, are eligible to the benefits. It appears that vide Annexure A-17 dated 09.08.2017, the department has accepted the decision and implemented the order. Therefore, granting parimateria benefits to people of like status as the applicants herein, even though we had held in our order that they may not be eligible on the ground that this is a policy matter, we do not want to interfere, in which the High Court also had confirmed our stand that this being a policy matter, therefore the Tribunal is correct. Now the question is that the policy matter has been resolved by the respondents themselves, as they have constructively implemented the order of Delhi High Court. As applicants are also in the same situation, they will also be eligible.

2. At this point of time it is pointed that in para 5 of their order, Annexure A-17, it is stipulated that the directions of the Delhi High Court is specific to this case and will not be applicable to any other case. This is quite an absurd contention. There cannot be any such policy which is applicable to one person and will not be applicable to any other persons. Therefore, this portion of Annexure A-17 is rejected. If it is implemented, then it is equally, universally and certainly applicable to applicants as well.

3. OA allowed. The benefits to be made available within 3 months. No costs.

(C.V SANKAR)
MEMBER(A)

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

vmr.

Annexures referred to by the Applicant in O.A. No. 719 & 720/2017

Annexure- A1: Copy of Circular dated 22.11.2010
Annexure- A2: Copy of order dated 25.11.2010
Annexure- A3: Copy of Circular dated 08.02.2011
Annexure- A4: Copy of memo dated 28.12.2011.
Annexure- A5: Copy of order dated 22.02.2012
Annexure- A6: Copy of notification dated 04.04.2012
Annexure- A7: Copy of extract of the marks list of IPO examinees-2011 of Karnataka Circle.
Annexure- A8: Copy of select list of IPOs 2011.
Annexure- A9: Copy of order dated 19.07.2012 in OA. No.198 of 2012 & connected matters.
Annexure- A10: Copy of order dated 10.06.2013 in WP. No. 35449-35450 of 2012.
Annexure- A11: Copy of notification dated 08.01.2013.
Annexure- A12: Copy of order dated 22.02.2017
Annexure- A13: Copy of order dated 25.04.2017
Annexure- A14: Copy of representation of the applicant No.1 dated 07.08.2017
Annexure- A15: Copy of representation of the applicant No.2 dated 24.07.2017
Annexure- A16: Copy of order dated 02.08.2017
Annexure- A17: Copy of order dated 09.08.2017
Annexure- A18: Copy of order dated 11.10.2017.

Annexures with reply statement:

Annexure R1: Copy of letter dated 24.8.2011.
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