

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00730/2016

DATED THIS THE 13TH DAY OF DECEMBER, 2017

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

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Sri K.V. Chandrappa, 37 years,
S/o Late Sri K.R. Venkataraju,
Occn: GDS Mail Packer,
Devarayasamudram SO,
Residing at: Keeluholili Village,
Devarayasamudram Post,
Avani Hobli, Mulbagal Taluk,
Kolar District: 563 127.

...Applicant

(By Advocate Shri P. A. Kulkarni)

Vs.

1. Chief Post Master General,
Karnataka Circle,
Palace Road,
Bengaluru: 560 001.

2. Post Master General,
S.K. Region,
O/o CPMG, Palace Road,
Bengaluru: 560 001.

3. Senior Superintendent of Post Offices,
Kolar Division,
Kolar: 563 102.

4. Assistant Superintendent of Post Offices
Kolar Sub-Division,
Kolar: 563 102.

5. Smt. R. Shilpa,
W/o Sri B.M. Girish,
7th Cross, Karanjikatte,
Kolar: 563 101.

...Respondents

(By Shri M. Rajakumar, Senior Central Government Counsel)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter seems to be covered by Umadevi's judgement of the Constitution Bench of the Hon'ble Apex Court, wherein the Lordship held that if by a judicial process, a person gets extended time in service, that time limit cannot be taken into account for grant of any special benefit. Under the cogent rules relating to GDS, if a person has served for 3 years continuously, then he acquires a right to get into the waiting list, to be considered against future vacancy. Applicant has completed 3 years now. But then, normal appointment of the applicant to this post was only about one year plus. The rest of the time he served only because of the interim order granted in an OA.

2. Therefore, this period of three years cannot be entirely computed for grant of special benefit, because of the said reason, as Hon'ble Apex Court have already settle the matter. We need not go into the matter once again.

3. OA lacks merit. Dismissed. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

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

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ANNEXURES referred to by the Applicant in OA.No. 730/2016

Annexure-A1: Copy of the order dated 23.08.2013

Annexure-A2: Copy of the order dated 17.02.2014

Annexure-A3: Copy of the order dated 18.06.2015

Annexure-A4: Copy of the order dated 09.12.2015 passed in OA No. 762/2015

Annexure-A5: Copy of the interim order dated 11.01.2016 in WP 890/2016 (S-CAT)

Annexure-A6: Copy of Notification dated 26.04.2016

Annexure-A7: Copy of Impugned order dated 20.06.2016 (wrongly typed as 20.05.2015)

Annexure-A8: Copy of the IA dated 20.06.2016

Annexure-A9: Copy of the executive instructions dated 18.05.1979 and 30.12.1999

Annexures referred to by the Respondents in the Reply statement

Annexure-R1: Copy of order dated 01.04.2015 in OA No. 661/2014.

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