

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00031/2017

DATED THIS THE 13TH DAY OF AUGUST, 2018

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

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

H. Vittal Handa,
S/o Late Narayana Handa,
Aged 64 years,
Retired as MTS,
Barkur-576 210,
Residing at Haikadi,
Haliyana Post,
a/w Belve – 576 212

Udupi Division

...Applicant

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India,

By Secretary,

Department of Posts,

Dak Bhavan,

New Delhi – 110 001

2. The Chief Postmaster General,

Karnataka Circle,

Bangalore – 560 001

3. The Postmaster General,

S.K. Region,

Bangalore – 560 001

4. The Superintendent of Post Offices,

Udupi Division,

Udupi – 576 212

.....Respondents

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

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

Heard. We had heard the matter earlier in O.A. No. 4/2013 and passed the following order which clearly explains the issue involved in it:

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

1. Heard. The Hon'ble High Court of Karnataka had quashed Annexure A-5 dated 03.07.2012. In our order we had not quashed Annexure A-5, but took it to mean that it had no relevance at all. But, we had quashed Annexure A-4 order dated 28.11.2011. In fact, the applicant was considered vide our earlier order dated 3.3.2009 on the basis of then existing rules prior to 2002. Therefore, we had considered it as applicable to the applicant. Therefore, on this basis Annexure A-5 was not considered to be relevant. Therefore, we had quashed only Annexure A-4. Therefore, after hearing both sides and having given both sides ample opportunity, we hereby grant consequent upon the quashment of Annexure A-5 by the Hon'ble High Court of Karnataka that the eligibility of the applicant for promotion had arisen on 21.8.2001 and it will now be considered that his appointment as Group D has commenced on that date and all the benefits available to the applicant may be calculated and granted to him including his pensionary benefits within 3 months next.

2. OA is allowed as above. No order as to costs".

2. Merely because some pleadings are made, it is not incumbent upon any Court to examine it if it creates an absurd situation. It is correct that the applicant has given a representation and no one had paid heed to it but we had disposed the matter on merits and held that, on the basis of the previous orders we had already passed, the applicant became eligible to be appointed before 2002. If for any fault of the respondents the applicant had not been taken as being appointed before 2002, the prejudice of it cannot fall on the shoulders of the applicant. The earlier OA is reiterated.

3. Therefore the OA is allowed. The benefits to be made available to the applicant within two months next. No order as to costs.

(C V SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00031/2017

Annexure A1 Copy of the order dated 06.07.2010

Annexure A 2 Copy of the order dated 02.01.2014 in O.A. No. 4 of 2013

Annexure A 3 Copy of the order dated 06.11.2014 in Writ Petition No. 17044 of 2014

Annexure A4 Copy of the order dated 22.01.2015

Annexure A5 Copy of the order dated 13.08.2015 in O.A. No. 4 of 2013

Annexure A6 Copy of the order dated 26.10.2016 in Writ Petition No. 10102/2016

Annexures with reply statement

Annexure R1 Copy of Department of Posts circular on removal of test for absorption of EDA's in Group D cadre dated 12.09.1990-reg.

Annexure R2 Copy of Department of Posts circular on removal of test for absorption of EDA's in Group D cadre dated 06.05.1991-reg.

Annexure R3 Copy of Minutes of proceedings for considering examination of EDA's

Annexure R4 Copy of Minutes of DPC for considering selection to the post of Gr. D from among GDS under seniority cum fitness quota

Annexure R5 Copy of Department of Posts letter dated 25.10.2005

Annexure R6 Copy of extract of GDS (Conduct and Engagement) Rules

Annexure R7 Copy of Department of Posts letter dated 28.11.2011

Annexure R8 Copy of extract of Central Civil Services, Pension Rules

Annexure R9 Copy of Central Administrative Tribunal, Bangalore Bench order dated 02.11.2016 in O.A. No. 1651/2015

Annexure R10 Copy of judgment of Hon'ble Apex Court in Civil Appeal No. 91/2015

Annexure R11 Copy of order of Central Administrative Tribunal, Bangalore Bench in O.A. No. 1651/2015 dated 02.11.2016

Annexure R12 Copy of the order of Central Administrative Tribunal, Bangalore Bench in O.A. No. 254/2016 dated 18.11.2016

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