

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH

...

O.A. No.291/00370/2016, O.A. No.291/00371/2016
O.A. No.291/00372/2016, O.A. No.291/00373/2016
O.A. No.291/00374/2016, O.A. No.291/00375/2016
O.A. No.291/00376/2016, O.A. No.291/00377/2016
O.A. No.291/00378/2016, O.A. No.291/00379/2016
O.A. No.291/00380/2016, O.A. No.291/00381/2016
O.A. No.291/00382/2016, O.A. No.291/00383/2016
O.A. No.291/00384/2016, O.A. No.291/00385/2016
O.A. No.291/00386/2016, O.A. No.291/00387/2016
O.A. No.291/00388/2016, O.A. No.291/00389/2016

Date of decision 02.11.2017

CORAM:

HON'BLE MS. PRAVEEN MAHAJAN, MEMBER (A)
HON'BLE MR. SURESH KUMAR MONGA, MEMBER(J)

O.A. No.291/00370/2016

Hitendra Meena s/o Mohan Lal, aged about 20 years, r/o Village and post Nemotha, Teh. K-Patan, District Bundi, presently working as EDDA Khatkar, Bundi since 17/4/2005.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00371/2016

Kailash Chand Bairwa s/o Radhi Kishan Bairwa, aged about 48 years, R/o Village and post Nayagaon, Teh. Bundi, District

(2)

Bundi, presently working as BPM, Nayagaon, Bundi since 13/08/2003.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00372/2016

Dharam Raj Prajapat s/o Kastura Lal, aged about 30 years, r/o Village Zharbalapura post Nayagaon via Khatkad, Teh.Bundi, District Bundi, presently working as ED MC Raithal, Bundi since 12/12/2013.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00373/2016

Rang Lal Bairwa s/o Kalu Lal, aged about 55 years, r/o Village and post Khyavdar, Teh. Bundi, District Bundi, presently working as ED MC, Khyavadar, Bundi since 1/4/1982.

...Applicant.

By Advocate: Mr. P.N.Jatti)

(3)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00374/2016

Jodh Raj Gujar s/o Kalyan Lal, aged about 21 years, r/o Village and post Bambori, , Teh. Bundi, District Bundi, presently working as ED BPM, Bambori, Bundi since 17/8/2013.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00375/2016

Mahaveer Suman s/o Badri Nath, aged about 30 years, r/o Village and post Kharkad, Teh.Bundi, District Bundi, presently working as ED BPM Jetpur, Bundi since 23/12/2011.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.

(4)

2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00376/2016

Ram Raj Singh s/o Mod Singh, aged about 51 years, r/o Village and post Ajeta, Teh.Bundi, District Bundi, presently working as ED BPM, Ajeta, Bundi since 12/1/1991.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00377/2016

Nathu Lal Koli S/o Birdhi Lal Koli, aged about 47 years, r/o Village and post Bherupura Ojha (Khatkar), Teh.Bundi, District Bundi, presently working as ED BPM,B.P. Ojha, Bundi since 18/02/1999.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(5)

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00378/2016

Nand Kishore Kumhar s/o Shri Vishnu Lal, aged about 52 years, r/o Village and post Peepla, Teh.Bundi, District Bundi, presently working as ED BPM, Peepla, Bundi since 31/08/1990.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00379/2016

Ramesh Chand Bairagi s/o Ram Kishan Bairagi, aged about 55 years, r/o Village and post Rajvas, Teh.Bundi, District Bundi, presently working as ED BPM, Rajwas, Bundi since 6/10/1981.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00380/2016

(6)

Ratan Lal Gujar s/o Mohan Lal, aged about 55 years, r/o Village and post Rehayan, Teh.Bundi, District Bundi, presently working as ED BPM,Rehayan, Bundi since 7/10/1996.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00381/2016

Ratan Lal Bairwa s/o Omkar Lal Bairwa, aged about 48 years, r/o Village and post Janiji Ka baran, teh.Bundi, District Bundi, presently working as GDS BPM, J.K.Baran, Bundi since 1/3/1997.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00382/2016

Prahalad Yogi s/o Nand Lal, aged about 55 years, R/o Village and Post Jaliji Ka baran, teh.Bundi, District Bundi, presently working as EDMC, Bundi city, Bundi since 14/01/1981.

...Applicant.

By Advocate: Mr. P.N.Jatti)

(7)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00383/2016

Raghuveer Singh s/o Satyapal, aged about 50 years, r/o Village and Post Gandovi, teh. Kpac, District Bundi, presently working as EDMC, Bundi City, Bundi since 4/1/2001.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00384/2016

Laxmishankar Sharma s/o Giriraj Prasad Sharma, aged about 43 years, r/o Village and Post Samidhi, teh.Nainwa, District Bundi, presently working asGDS BPM, Samidhi, Via Nainwan, Bundi since 30/04/2008.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.

2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00385/2016

Rakesh Kumar Dadheech s/o Shri Jagdish Prasad, aged about 36 years, r/o Village and Post Devdavas, teh.Devli, District Bundi, presently working as GDS BPM, Balapura, Via Nainwan, Bundi since 1/1/2009.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00386/2016

Om Prakash Nat s/o Moti Lal Nat, aged about 44 years, r/o Village and Post Baman Gaon, teh. Nainwa, Bundi, District Bundi, presently working as GDS MC, Baman Gaon, Via Nainwan, Bundi since 26/12/1995.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.

(9)

3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00387/2016

Durga Shankar Sharma s/o Madan Lal Sharma, aged about 40 years, R/o Village and Post Sisola, Teh. Nainwa, Bundi, District Bundi, presently working as GDS BPM, Sisola, Via Nainwan, Bundi since 9/8/2003.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00388/2016

Vijendra Kumar Sharma s/o Shri Brij Raj Sharma, aged about 32 years, R/o Village and Post Balapura, teh. Nainwa, Bundi, District Bundi, presently working as BPM, Ghambhira B.O., Via Nainwan, Bundi.

...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

O.A. No. 291/00389/2016

Brij Mohan Sharma s/o Shri Jagdish Prasad Sharma, aged about 60 years, r/o Village and Post Bamangaon, Teh. Nainwan, District Bundi, presently working as BPM, Bamangaon, Nainwan, Bundi. ...Applicant.

By Advocate: Mr. P.N.Jatti)

Versus

1. Union of India, Through The Secretary to the Govt. of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. The Superintendent Post Offices, Tonk Division Tonk, Rajasthan.

...Respondents.

(By Advocate: Mr.N.C.Goyal)

ORDER (Oral)

Per: SURESH KUMAR MONGA, JUDICIAL MEMBER

With the consent of learned counsels for both the parties,O.A.

No.291/00370/2016, O.A. No.291/00371/2016, O.A.

No.291/00372/2016, O.A. No.291/00373/2016; O.A.

No.291/00374/2016, O.A. No.291/00375/2016, O.A.

No.291/00376/2016, O.A. No.291/00377/2016, O.A.

No.291/00378/2016, O.A. No.291/00379/2016, O.A.

No.291/00380/2016, O.A. No.291/00381/2016, O.A.

No.291/00382/2016, O.A. No.291/00383/2016, O.A.

No.291/00384/2016, O.A. No.291/00385/2016, O.A.

No.291/00386/2016, O.A. No.291/00387/2016, O.A.

No.291/00388/2016 and O.A. No.291/00389/2016 are taken up

together for disposal as a common question of law and facts is involved in all these cases.

2. The applicants are working as Gramin Dak Sevaks in the Postal Department. Their grievance is that they are holding the post of Gramin Dak Sevaks under the administrative control of the State but still they are not being treated as civil post holders. They have invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to allow them the status of civil servants and the benefits attached with the civil posts.

3. At the very outset, Shri P.N. Jatti, learned counsel appearing for the applicants in all these cases pointed out that the matter is no longer res-integra as the Principal Bench of this Tribunal has already decided the controversy vide order dated 17th November, 2016 passed in OA No. 749/2015 (Shri Vinod Kumar Saxena & Ors. vs. Union of India & Ors.) with 2 connected OAs.

4. Shri N.C. Goyal, learned counsel appearing for the respondents in all these cases has not disputed the aforesaid fact. However, he stated that the department is in the process of filing the Writ Petitions in the Hon'ble High Court of Delhi. The fact remains that as on today, no stay has been granted against the order dated 17th November, 2016 passed by the Principal Bench of this Tribunal in OA No. 749/2015 (Shri Vinod

Kumar Saxena & Ors. vs. Union of India & Ors.) with 2 connected OAs (supra).

5. We have perused the record and the order dated 17th November, 2016 passed by the Principal Bench of this Tribunal in OA No. 749/2015 (Shri Vinod Kumar Saxena & Ors. vs. Union of India & Ors.) with 2 connected OAs (supra). There is no escape but to hold that the applicants as Gramin Dak Sevaks are holding the civil posts as has been settled by the Hon'ble Supreme Court in Writ Petition (Civil) No. 17/2009 (Vinod Kumar Saxena & Ors. vs. Union of India & Ors.) vide order dated 09.12.2014. The order of the Hon'ble Supreme Court reads thus:

"In view of the aforesaid analysis, the writ petitioners are treated as civil post holders and, therefore, they can agitate their grievances, what they have put forth in this writ petition, before the Central Administrative Tribunal, Principal Bench, New Delhi and the tribunal shall advert to the same in their proper perspective."

Consequent upon the aforesaid order dated 09.12.2014 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 17/2009 (Vinod Kumar Saxena & Ors. vs. Union of India & Ors.), O.A. No. 749/2015, 3540/2015 and 613/2015 were preferred before the Principal Bench of this Tribunal, which came to be disposed of by a common order dated 17th November, 2016 and while summarizing the issue, the following directions were issued to the respondents:

(13)

“(a) For all Gramin Dak Sevaks, who have been absorbed as regular Group ‘D’ staff, the period spent as Gramin Dak Sevak will be counted in toto for the purpose of pensionary benefits.

(b) Pension will be granted under the provisions of CCS (Pension) Rules, 1972 to all Gramin Dak Sevaks, who retire as Gramin Dak Sevak without absorption as regular Group ‘D’ staff, but the period to be counted for the purpose of pension will be 5/8th of the period spent as Gramin Dak Sevak. Rule 6 will accordingly be amended.

(c) The Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 are held to be valid except Rule 6, as stated above.

(d) The claim of Gramin Dak Sevaks for parity with regular employees regarding pay and allowances and other benefits available to regular employees, stands rejected.”

6. We are in agreement with the order dated 17th November, 2016 passed by the Principal Bench of this Tribunal in OA No. 749/2015 (Shri Vinod Kumar Saxena & Ors. vs. Union of India & Ors.) with 2 connected OAs (supra). The applicants in all these OAs are held to be entitled to the same benefits as have been granted by the Principal Bench of this Tribunal in the aforesaid cases. Accordingly, all these Original Applications are disposed of in the same terms as aforesaid.

Ordered accordingly. No order as to costs.

(SURESH KUMAR MONGA) (PRAVEEN MAHAJAN)
JUDICIAL MEMBER (ADMINISTRATIVE MEMBER)

/kdr/