

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.541/2018

This the 18th day of December, 2018

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member**

Shri Maheshkumar Vadilal Parekh
DOB 09.9.1961 Age 57 years
Son of Shri Vadilal Mathurdas Parekh
Office Assistant
Postal Stores Depot, Vadodara 389 022.
Residing at : 3B, Kashidham Tenaments
Opp. Gayatri Duplex, Sama,
Vadodara 390 024.
Applicant
(By Advocate : Shri A.D.Vankar)

VERSUS

1. The Union of India & Others,
Notice to be served through
Secretary to the Govt of India,
Ministry of Communication & I.T.,
Department of Posts, Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. Chief Postmaster General,
Gujarat Circle, Khanpur, Ahmedabad – 380 001.

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3. Postmaster General,
Vadodara Region, Vadodara – 390 002.
4. Supdt. Of Post Offices,
Panchmahals Division,
Godhra – 389 001..... Respondents.

ORDER – ORAL

Per : Hon’ble Shri M.C.Verma, Member (J)

Heard. This OA is at the stage of notice.

2. The case of the applicant, as has been set out in the OA is that the applicant is an employee of Postal Department, vide circular dated 30.10.1980 (Annexure A-1) a Scheme, to constitute Reserve Trained Pool of Postal and Sorting Assistant was introduced by the Respondents and after fulfilling all prescribed formalities applicant was selected and appointed as Reserve Trained Pool Postal Assistant. That applicant as Reserve Trained Pool Postal Assistant resumed his duty at Godhra Head Post Office with effect from

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04.4.1983. That on completion of seven years of regular service, the applicant was absorbed as Postal Assistant on regular basis w.e.f. 22.8.1988 and thereafter, he was granted benefit of financial upgradation of TBOP/BCR and third MACP, however, Respondents did not count the service rendered as Reserve Trained Pool Postal Assistant. That applicant came to know about the Orders passed by the Bombay and Jabalpur Benches of the Tribunal wherein direction was given to count RTP services rendered by the employees as qualifying services as Postal Assistant, with all consequential benefits, and that said Order of the Jabalpur Bench has also been upheld by the Hon'ble Supreme Court, vide Order dated 16.12.1988. That coming to know about aforesaid Orders, the applicant preferred representation, dated 08.10.2018 to the Respondent Authority to count his RTP

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services as qualifying services as Postal Assistant and the same is still pending and hence is the OA.

3. Learned counsel, while pressing the OA urged that respondents, for the reasons best known to them are not taking decision upon the representation of the applicant and are unnecessarily sitting over it, he requested that if this Tribunal deem fit and proper some direction may be given to the respondents to take decision and dispose of the representation dated 08.10.2018 of the applicant within stipulated time frame.

4. Considered the submissions. Section 20 of the Administrative Tribunals Act, 1985 provides that if a period of six months from the date on which appeal/representation etc. was preferred has expired but no final order on appeal/representation is passed, the person concerned may invoke the jurisdiction of this Tribunal for redressal of grievances. From factual matrix of the case, it

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is undisputable that applicant has preferred the representation on 08.10.2018 and OA was preferred on 12.12.2018 and thus we find that the OA is premature and perhaps applicant, in haste, has preferred the OA, he ought to have waited at least for six months for final outcome of his representation. Instant OA thus is disposed off with direction to the Respondents to consider and dispose of the representation, dated 08.10.2018 of the applicant, if is lying pending with the respondents, within a period of two months from the date of receipt of this order. Needless to say, that decision taken on the representation shall be communicated to the applicant.

5. With above noted direction, the OA stands disposed off.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

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