

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Date: 10.12.2018

Pre – delivery ORDER in

C.P.No. 53/2017 in OA No.1014/2010, C.P.No.142/2017 in OA No.988/2011
C.P.No.70/2017 in OA No.91/2012 and C.P.no.143/2017 in OA No.119/2011

is sent herewith for consideration.

(E.K.BHARAT BHUSHAN)
MEMBER (A)

HON'BLE MR. ASHISH KALIA
MEMBER(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

CP(C) No.180/00053/17 in O.A No.1014/10,
CP(C) 180/00142/17 in O.A 988/2011, CP(C) 180/00070/17 in O.A 91/2012
& CP(C)180/00143/2017 in O.A 119/2011

Tuesday, this the 11th day of December, 2018

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member**

CP(C) No.180/00053/17 in O.A No.1014/10

P.Premalatha, aged 56 years
 W/o.T.K.Muraleedharan Nair
 Postal Assistant, Aluva Head Post Office
 Ernakulam District
 Residing at: "Latha Vilas House"
 Manickamangalam P.O
 Kalady -673 574
 Ernakulam District

..... **Petitioner**

(By Advocate – Mr.T.C.G Swamy)

V e r s u s

1. Shri.B. V.Sudhakar
 Secretary to the Government of India
 Ministry of Communications & IT
 (Department of Posts) Dak Bhavan
 New Delhi – 110 016
2. Shri.A.N.Nanda
 Chief Post Master General
 Kerala Postal Circle
 Thiruvananthapuram - 695033
3. Smt.Sumathy Ravichandran
 Post Master General
 Central Region, Kochi – 682 011
4. Shri.Devis
 Senior Superintendent of Post Offices
 Aluva Postal Division, Aluva - 683101

..... **Respondents**

(By Advocate – Mr.N.Anilkumar,SCGSC)

CP(C) No.00143/17 in O.A No.119/11

1. G.Rajmohan, aged 54years,
S/o.Gopalakruishna Pillai, residing at
TC 25/1548, West Thampanoor, Trivandrum 695 001
(Office Assistant, Office of the SSPOs, Trivandrum
695 001)
2. S.Viswanathan Nair, aged 53 years
S/o.V.Sukumaran Nair
Residing at Chaarvakom,
Vellayani, Nemom P.O
Trivanrum – 695 020 (Postal Assistant,
Trivandrum GPO 695 001)
3. R.Hemalatha,aged 52 years, W/o.B.Rahjendran Pillai
residing at Lekshmi Mandiram
Chennakkod Perinad -691 603
(SPM, East Kallada P.O)
4. J.Girija Kumari, aged 51 years
W/o.S.Bahuleyan Nair
residing at Sankarathil
Pottur West, Mavadi P.O-691 507
(SPM, Nilamel P.O)
5. V.Ganaselvam, aged 56 years
W/o.T.Muthaiyan, residing at TC
40/946 (3), Saras 55 C, Sreevaraham,
Manacaud P.O 695 009
(Postal Assistant, Trivandrum GPO 695 001)
6. T.Muthaiyan, aged 58 years
S/o.Thankayan, residing at TC
40/946 (3) Saras 55 C
Sreevaraham, Manacaud P.O 695 009
(Postal Assistant, Vallakadavoo P.O 695008)
7. S.Udayakumar, aged 56 years
S/o.Sadasivan, residing at Souparnika
KRIPA 77, Mankulam Lane
Pappanamcode, Trivandrum 695 018
(Postal Assistant, Trivandrum GPO 695 001)
8. M.Suresh Kumar, aged 54 years
S/o.A.Madhavan Pillai
residing at Padmasree TC 9/2392

ANRA 136-c, Edavacode
Trivandrum 695 017
(Postal Assistant, Trivandrum GPO 695 001)

9. L.Sheela, aged 53 years, W/o.R.Pratapa Chandran, residing at Nandanam, TC 4/460-3, Ambalamukku Kaudiar, Trivandrum 695 003(Accountant, Trivandrum GPO 695001)
10. M.P.Chandramohan, aged 55 years
S/o.M.Ponnan, residing at Arun Nivas Chettipurakal, Near Edaicode Kanyakumari 629 152
(Postal Assistant, Trivandrum GPO 695 001)
11. R.Bhageerathi, aged 53 years
W/o.Krishnakumar
TC 37/1901-1, Karikattumadam
West Fort, Trivandrum 695 023
(Postal Assistant, Trivandrum GPO 695001)
12. Rema Paul, aged 55 years
W/o.Paul Thomas, residing at TC 7/1129-2
Vettamukku, Trivandrum 695 013
(Accountant, O/o.SSPOs, Trivandrum 695 001)
13. B.Sudharma, aged 52 years,
W/o.Vijayamohan
residing at TC 11/966-1, Thattinakam
Nalanchira (Postal Assistant, Trivandrum GPO 695 001)
14. Prabha J.Poovattil
aged 51 years, W/o.Francis Jacob
residing at House No.65 Puliyur Gardens
Nalanchira P.O (Sub Postmaster,
Vattapara P.O – 695 028
15. M.A.Mary, W/o.Thomas, TC 13/770/1 KVRA 322 Vanchiyur
Trivandrum 695 035 (Postal Assistant, Tv. University P.O 695 034)
(died – Legal heirs impleaded)
16. K.Vasuki, aged 56 years, W/o.R.Asokkumar
residing at TC 13/416, Ambadi, Moolavilakam
Kunnukuzhy, Vanchiyoor P.O
(Postal Assistant, Vanchiyur P.O 695 034)
17. V.Kasthuri Bai, aged 52 years

W/o.S.Madhu, residing at 19/40 D,
Chettiyarmadam, Neyyur P.O
(Postal Assistant, Trivandrum AG's P.O 695 001)

18. S.Sulochana, aged 52 years
W/o.K.Perumal, residing at KRA 99
Kedaram Nagar, Pattom Palace
Trivandrum 695 004 (Postal Assistant,
Trivandrum GPO 695 001)
19. L.Rem, aged 52 years, W/o.M.V.Rajeev
residing at Postal Assistant, Deepasree
Sagara 92/2 Kudappanakunnu P.O 695 043
(Trivandrum AG's P.O 695 001)
20. G.Jayalakshmi, aged 54 years,
W/o.Krishnamoorthy, residing at 10,
Gayatri Gardens, Kaimanam
Trivandrum 695 040 (Postal Assistant,
Trivandrum GPO 695 001)
21. Rajalekshmi Antherjanam, aged 54 years
W/o.M.P.Mohan
residing at VP/2/959 Nandanam
Ranni Lane, Perorkada
(Postal Assistant, Trivandrum GPO 695 001)
22. A.Radha, aged 52 years, W/o.N.Hariharan
residing at TC 28/1935
Kizhakke Madam, Tv Fort P.O 695 023
(Postal Assistant, Trivandrum GPO 695 001)
23. S.Sreelatha, aged 55 years, W/o.R.Pradeepkumar
residing at Sivoham Ottukal Street, Kaithamukku
Tv Pettah P.O 695 024
(Postal Assistant, Trivandrum GPO 695 001)
24. S.Sum, aged 52 years, W/o.P.Sasikumar
residing at Sumam TC 3/1280-1, KPRA 181
Mankulam Lane, Pattom Palace P.O
(Postal Assistant, Trivandrum GPO 695 001)
25. S.Usha Devi, aged 56 years,
W/o.G.Gopakumar, residing at
Sreerangam Jyothi Nagar 81
Kesavadasapuram, Trivandrum 695 004
(Sub Postmaster, Palkulangara P.O
Tv.Pettah 695 024)

26. T.P.Sreebhavani, aged 54 years
W/o.R.Bahuleyan Nair
Postal Assistant, Trivandrum GPO 695 001
27. R.Krishna Kumari, aged 53 years
W/o.Viswanathan, residing at 10
VKK Nagar, Vallakadavoo P.O
Trivandrum 695 004 (Office Assistant, PSD,
Trivandrum 695023)
28. B.Vikraman Achary, aged 53 years
S/o.S.Balakrishnan Achary
residing at Rajendra Sadanam
Kizhavoor, Mukhathala P.O
(SPM, Thekkevila P.O)
29. S.Sairakumary, aged 52 years
W/o.G.Shaji, residing at Gopa Kripa
Asramom Garden 75, Asramom P.O
695 002 (SPM, Eravipuram P.O)
30. G.Ushakumary, aged 54 years
W/o.Rajendran, residing at Madhava Vilasom
Melode, Adur (APM Adur Kerala HO.)
31. V.Aji, aged 52 years, W/o.V.Anirudhan
residing at Vathiyarvila Veedu
Edakida, Ezhukone (SPM Odanavattom P.O)
32. P.S.Letha, aged 53 years, W/o.M.Santhoshkumar
residing at Swathi, Bhoothakulam P.O
(SPM, Bhoothakulam P.O)
33. Leena Bhasker, aged 55 years,
W/o.D.Dilan, residing at Manohara
Kottapuram, Paravur P.O
(Postal Assistant, Bhoothakulam P.O)
34. N.Sheela, aged 52 years, W/o.S.Pushpangadan
residing at Santhram, Ayirakuzhy, Chithara P.O
(SPM, Chithara P.O)
35. J.R.Mallika Devi, aged 51 years
W/o.Balagopal, residing at
Sreedarshan, Palace Nagar 12 A
Thevally P.O (SPM, Thirumullavaram 691 012)

36. S.Remadevi, Kalpakom
Kulangara Bhagom, Chavara P.O
(SPM Neendakara P.O)
37. A.Vijayalekshmi Amma, aged 57 years
W/o.P.Rajendran, residing
Neduvathuvila Veedu, Cheriyela
Alammoodu, Mukhathala P.O
(Office Assistant, SSPOs,
Kollam 691 001)
38. K.Vijalekshmi, aged 55 years
W/o.M.H.Haridas, residing at
Sreelekshmi, MNRA 108,
Ramankulangara, Kavanad P.O
(Office Assistant, SSPOs Kollam 691 001)
39. K.Syamala, aged 52 years
W/o.K.Sadanandan, residing at
Amaravathy, Mampallikunnam
Chathannoor P.O (Postal Assistant
Kottiyam P.O)
40. L.S.Sylvia, aged 57 years
W/o.B.Chandrabanu
residing at Somabhavan, Mayyanad P.O
(Postal Assistant, Kollam HO)
41. T.Girija, aged 55 years
W/o.G.Anandan, residing at Ayaira
CKP Perinad (Postal Assistant, Kollam HO)
42. S.Sunila, aged 54 years,
W/o.Muraleedharan, residing at
Kollasseril, Prayar P.O 690 547 (SPM, Athinad North P.O)
43. Lekha Ravindran, aged 52 years
W/o.V.Pradeep, residing at Sreevalsam
Padasouth, Karunagappally P.O
(SPM, Kulasekharapuram P.O)
44. P.Unnikrishnan Nair, aged 52 years
W/o.G.Parameswaran Nair
residing at Krishna Vilasam,
Mavarakonam, Kalluvathukkal
(SPM, Thekkumbhagam P.O)
45. T.Mathews Mathew, aged 53 years

residing at T.Mathews, residing
at Thayyil Kizhakkedathil
Perumpuzha P.O 691 504 (Postal Assistant, Kollam HO)

46. R.Renuka Devi, aged 55 years
W/o.K.N.Surendran, residing at
Sreevignesh, MCRA 103, Thirumullavaram P.O
(Postal Assistant, Kollam Civil Station)
47. C.Lilly, aged 59 years, W/o.K.V.Sreenivasan Kartha
residing at Layam, Gandhi Mukku
Kottarakara P.O (Postal Assistant, Kollam H.O)
48. L.Anantharamalekshmi, aged 52 years
W/o.S.Kumar, residing at
Vasantham, Devi Nagar 342, Thirumullavaram P.O 691 012
(SPM, Thevally P.O)
49. J.R.Padmaja Devi, aged 53 years
W/o.B.Anilkumar, residing at
Aramom, Shoba, Thirumullavaram P.O
(Postal Assistant, Kollam Cutchery P.O)
50. R.Sureshkumar, aged 52 years
S/o.N.Ramachandran Pillai
residing at Suranya, Thazham North
Chathannoor P.O (Postal Assistant, Thangassery P.O)
51. P.Sheeba, aged 54 years
W/o.S.Prabhakaran
residing at Rohini, Thottumkara
Mayyanad P.O (SPM, Pullichira P.O)
52. P.J.George Kutty, aged 55 years
S/o.P.S.John, residing at
Parasseril House, Melkavu
Kottayam H.O
(Postal Assistant, Kottayam H.O)
53. S.Alex, aged 58 years
S/o.Singarayan, residing at Velliavilai
(Aruganthottu Vilai), Palappallam P.O 629 159
Kanyakumari District
(Junior Accountant, Office of the Director of Postal Accounts,
Trivandrum)
54. A.Meetheen Pillay, aged 55 years
S/o.M.Abdul Rahman

residing at 9/1, Sabnam, Near Govt. Higher Secondary School, Thiruvithamcode P.O (Senior Accountant, Office of the DAP, Trivandrum)

55. S.Lakshmi, aged 55 years, W/o.Kailasanathan, residing at TC 20/2876, Hari Saras, SRA 193, Karamana P.O 695 002 (Sub Postmaster, Tv Govt. Press P.O, Trivandrum 695 001)

56. B.C.Thomas, aged 58 years
H/o Mary Thomas, TC 13/770/1, KVR 322, Vanchiyur, Trivandrum 695 035

57. Ancy Thomas, Aged 26 years
D/o.Mary Thomas, TC 13/770/1
KVR 322, Vanchiyur, Trivandrum 695 035

58. Aby K.Thomas, aged 24 years
S/o.Mary Thomas, TC 13/770/1
KVR 322, Vanchiyur, Trivandrum 695 035 Petitioners

(By Advocate – Mrs.S.Sujini)

V e r s u s

1. Sri.Ananta Narayan Nanda
(Age and father's name not known to the petitioners)
Secretary, Union of India, Ministry of Communications
New Delhi
2. Ms.Anjali Anand, (age and father's name not known to the petitioners) Chief Post Master General, Kerala Circle
Thiruvananthapuram 695 001
3. Smt.Sabna Pramod, W/o.V.Pramod Kumar
aged 45 years, Director of Postal Services (HQ)
Office of the Chief Post Master General
Kerala Circle,Thiruvananthapuram -695 001
4. Sri.M.Mohandas, S/o.Appu Pillai, aged 56 years
Senior Superintendent of Post Offices
Thiruvananthapuram North Division
Thiruvananthapuram -695001
5. Sri.L.Mohanan Achary
S/o.K.Lekshmanan Achary
aged 55 years, Senior Superintendent of Post Offices
Kollam Division, Kollam 691001

6. Sri.R.Venunathan Pillai,S/o.R.Raghavan Pillai
aged 57 years, Superintendent of Post Offices
Pathanamthitta Division, Pathanamthitta

7. Sri.Alexin George, aged 34 years
Senior Superintendent of Post Offices
Kottayam Division, Kottayam

8. Ms.Achala Bhatnagar, (age and father's name not known to the
petitioners) Member (Personnel), The Director (Staff)
Department of Posts, Ministry of Communications & IT
New Delhi – 110 001 Respondents

(By Advocate – Mr.Thomas Mathew Nellimoottil)

CP(C) 180/00142/17 in O.A 988/2011

1. D.Sheela, aged 54 years, W/o.H.Christudas, Jaya Bhavan
Agarathuvila, Kadavattaraam, Neyyattinkara-695 121
(Accountant, MACP II, HRO RMS,
Trivandrum Division, Trivandrum 695 001

2. T.S.Jayalekshmi, aged 52 years, D/o.A.Somasekharan Nair
5-A, Sun Elegance, Kesavan Nair Road,
Poojapura P.O, Thiruvananthapuram 695012
(OA MACP II, HRO RMS, Trivandrum Division
Trivandrum 695 001

3. V.S.Kumari Sudha, aged 52 years, W/o.A.Rajendra
Babu, Ashtam, College Road, Dhanuvachapuram-695 503
(OA MACP II, HRO RMS, Trivandrum Division
Trivandrum 695 001

4. P.Padmavathy, aged 58 years, W/o.V.Balakrishna
Pillai, TC 58/963, Chithirai, Padassery Lane, Attukal
Manacaud P.O, Thiruvananthapuram 695 009 (OA
MACP II, HRO RMS, Trivandrum Division, Trivandrum – 695001

5. S.Jalajambika, W/o.P.Ayyappan Pillai,
Shanmuga Vilasam, Theviyode, Vithura P.O 695 551
(OA, MACP II, HRO RMS, Trivandrum Division
Trivandrum 695 001) (died)

6. L.Usha Devi, aged 53 years, W/o.P.Santhakumar,
TC-4/935, Sree Chitira Nagar, Kurisuvilakathu Veedu
Kowdiar P.O, Thiruvananthapuram 695 003 (OA MACP II
HRO RMS, Trivandrum Division, Trivandrum 695 001)

7. L.Seethalekshmi Amma, W/o.R.Suresh Kumar
Anjanam, TC-6/281 (23) Nethaji Road, Prasanthi Gardens
Vattiyurkavu P.O, Thiruvananthapuram-695 013
(OA MACP II, HRO RMS, Trivandrum Division
Trivandrum 695 001
8. S.Vijayakumari, aged 57 years, W/o.V.Thulaseedharan,
V.T Bhavan, Dhanuvachapuram P.O 695 503
(SA MACP II, HRO RMS, Trivandrum Division,
Trivandrum 695 001)
9. M.Spain Rose, aged 53 years, D/o.V.Michel
Nayagam,Thoufeek, House No.15, Vikhas Nagar
Ambalathara, Poonthura P.O, Thiruvananthapuram
695026 (Accountant MACP II, BPC, Trivandrum-695023).
10. V.Vanajakumari, aged 58 years, W/o.V.Kamalasan
Nair, Devika, TC 22/583 (3) Konchira Vila, Manacaud
P.O, Thiruvananthapuram 695 009
(SA MACP II, BPC, Trivandrum 695 023)
11. Ayyappan Pillai, aged 59 years
S/o.Padmanabhan Pillai & H/o.Late.S.Jalajambika
Residing at Shanmugha Vilasom, Theviyode, Vithura P.O.695551
(Impleaded as additional R 11 as per order dated 14.9.2015
in IA No.13154/2015 in OP(CAT) No.114/2014) Petitioners

(By Advocate – Mrs.S.Sujini)

V e r s u s

- 1 Sri.Ananta Narayan Nanda, (age and father's name not known to the Petitioners), Secretary, Union of India, Ministry of Communications
New Delhi
2. Ms.Anjali Anand, (age and father's name
not known to the petitioners)
Chief Post Master General, Kerala Circle,
Thiruvananthapuram 695 001
3. Smt.Sabna Pramod, W/o.V.Pramod Kumar, aged 45 years
Director of Postal Services (HQ), Office of the Chief Post Master
General, Kerala Circle, Thiruvananthapuram – 695 001
4. Sri.M.Mohandas, S/o.Appu Pillai, aged 56 years, Senior
Superintendent of Post Offices, Thiruvananthapuram North Division
Thiruvananthapuram – 695 001

5. Ms.Achala Bhatnagar, (age and father's name not known to the Petitioners) Member (Personnel), The Director (Staff) Department of Posts, Ministry of Communications & IT New Delhi – 110 001 **Respondents**

(By Advocate – Mr.Anil Ravi,ACGSC)

CP(C) 180/00070/17 in O.A 91/2012

P.Vijayakumar
Aged 52, S/o.K.Ponnayyan
Sorting Assistant, MACP II
HRO, RMS TV Division
Thiruvananthapuram – 695 001
Residing at Attupokkuvila, Punniam
Arumana P.O, Kanyakumari District- 629 151 **Petitioner**

(By Advocate – Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. Sri.Anantha Narayan Nanda,(age and father's name not known to the Petitioner), Secretary, Ministry of Communication
New Delhi-110 001

2. Anjali Anand, (age and father's name not known to the petitioner)
Chief Post Master General, Kerala Circle,
Thiruvananthapuram 695 033

3. L.K.Gangadharan
(Age and father's name not known to the petitioner)
Superintendent of Post Offices
RMS TV Division,
Thiruvananthapuram – 695 001 **Respondents**

(By Advocate – Mr.Thomas Mathew Nellimoottil)

These Contempt Petitions having been heard and reserved for orders on 4.12.2018, the Tribunal on 11.12.2018 delivered the following:

O R D E R

Per: MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

CP(C) No.00053/17 in O.A No.1014/10, CP(C) 180/00142/17 in O.A

988/2011, CP(C) 180/00070/17 in O.A 91/2012 and CP(C)/00143/2017 in O.A 119/2011 are dealt with through a common order as the issues involved, both in terms of law as well as facts, are similar in nature. However, as a leading case, facts as well as references as contained in CP(C) 53/2017 have been taken for the purpose of discussion apart from the brief facts of other CP(C)s.

2. These Contempt Petitions are filed against the failure on the part of the respondents to comply with the directions in O.A Nos.79 of 2011, 119 of 2011, 988 of 2011, 31 of 2012, 1150 of 2012, 1151 of 2012 and 1014 of 2010 (common order).

3. Counting of service rendered by the petitioners under the Reserve Trained Pool scheme for the purpose of seniority, benefits accruing due to financial upgradations and other consequential benefits are the matters involved in these cases. By way of background, it may be stated that the Reserve Trained Pool (RTP for short) had been introduced as a system by the respondents with intent to form a reserve pool, amounting to 50% of the vacancies in each recruitment unit. A list would be prepared, personnel imparted training and categorised as trained reserve candidates to meet future and current urgent requirements of manpower in RMS Offices. The RTP candidates form a pool of trained manpower similar to that of wait listed candidates, but with an assurance of regularisation against future vacancies. In view of the imposition of ban on direct recruitment from 1984 to 1990, these RTP candidates could not be regularised against any of the vacancies that arose during the above period and it was only in 1990 that these vacancies were filled up by absorption from

among the RTP pool.

4. Aggrieved by the uncertainties involved in this scenario cases and their claim to be regularised against vacancies which existed from 1984 onwards, the applicants in the above referred O.As had approached this Tribunal and obtained an order on 01.10.2013, the operative part of which directed as follows: -

“(a) Respondents shall work out the vacancies that arose from 1984 onwards, which could not be filled up on account of the ban on recruitment.

(b) RTP candidates on the basis of their year of recruitment, coupled with the order of merit, shall be accommodated notionally against such vacancies that were lying unfilled from 1984 onwards.

(c) It is from the date on which these applicants could be deemed to have been placed against such vacancies that the period of 16 years of service for grant of TBOP benefits shall be worked out.

(d) On completion of 16 years of such service, they would be deemed to have been granted TBOP benefits and the pay in the higher scale shall be fixed.

(e) Arrears shall be worked out in respect of these cases and the same shall be payable to the applicants concerned.

(f) In so far as MACP is concerned, the period of 20 years for 2nd MACP shall be reckoned only from the date of regular appointment and those who are entitled to 2nd MACP financial benefits accordingly shall be afforded the same, if not already done.”

5. In view of the delay in implementing the directions as above, the petitioners moved Contempt Petitions before this Tribunal. This prompted the respondents to approach the Hon'ble High Court of Kerala in OP 95/2014,

taking notice of which, the CP(C) 180/40/2014 was closed by this Tribunal. Subsequently, OP CAT No.95/2014 was dismissed by the Hon'ble High Court through an order dated 17.3.2017 upholding the orders of this Tribunal. The petitioner has moved the present CP(C) against the continued failure on the part of the respondents to comply with the directions of this Tribunal which have attained finality.

6. Shri.T.C.G Swamy appearing on behalf of the petitioners in the CP(C) argued at length about the manifestly illegal stand of the respondents in delaying and refusing to implement the directions of this Tribunal.

7. A series of affidavits have been filed by the respondents narrating various steps being taken in compliance with the orders of this Tribunal. Shri.N.Anilkumar,SCGSC, learned counsel for the respondents drew our attention pointedly to the last affidavit filed on 6.6.2018. As per Annexure P-4 accompanying the affidavit, the petitioner's entry in RTP service was on 18.2.1983 and she was granted regular service from 29.5.1990. It is stated in the same document that a Departmental Promotion Committee is proceeding with further action in the matter. Finally, we have before us a copy of a communication addressed to the Director, Department of Posts, New Delhi issued from the office of CPMG, Kerala Circle on 27.3.2018 (Annexure P-7). The above communication narrates the steps taken in pursuance to the direction at (a) of the judgment of this Tribunal.

“ Several changes were taking place in the department at that point of time (1983-84) which included (a) reduction of 5% sanctioned strength upon implementation of TBOP

scheme and (b) conversion of sorting sections rendering surplus staff in RMS. From the RTP Merit list it is inferred that RTPs could not be absorbed due to adjustment of excess staff upon implementation of TBOP/conversion of sorting section into transit sections in RMS. In this Circle, RTPs were seen appointed to the extent of available vacancies during the years 1986, 1987, 1988, 1989, 1990 (upto April) and remaining 350 (approx.) RTPs were given appointment enmass by creating supernumerary posts by the end of May 1990. Most of the applicants in the OA to whom benefit is to be extended now are the RTPs absorbed in May 1990 under supernumerary posts. ”

8. Further, in the Minutes of the DPC Meeting which met on 20.3.2018, it is stated as follows:

“ As per the directions of CPMG, Kerala letter No.ST/5-2/OA 1014/11(Pt) dated 9.3.2018, committee examined the relevant available records in this connection.

i) Merit list of RTP candidates recruited during the year 1982 & 1983 was prepared based on the gradation list of the PAs in the Division for the period from 1983 to 1990. Final merit list has been communicated vide Memo no.B/SDPAs dated 2.3.2018 by registered post to all ex RTP candidates recruited in this division to represent, if there is any dispute in the list. No representation has been received yet. Later, the same list mentioning the recruitment year, was sent to CO for publication in the website and the same is marked as Annexure I.

ii) List of all officials appointed (direct and departmental) during the period from 1984 to 1990 is prepared based on the gradation list of PAs in the Division and roster (Direct appointment/promotion) for the period from 1984 to 1990 and the same is marked as Annexure AII. No officials were appointed during the year 1984 and 1985.

iii) The list of the details of vacancy from 1984 onwards is made based on the gradation lists, pension registers, punishment registers etc and the same is marked as Annexure AIII. Vacancy for the period from 1984 to 1989 was calculated based on the vacancy

calculation sheet sent to CO from the Division for the period from 1983 to 1989.

iv) Details of reduction of posts due to TBOP implementation were collected from the Inspection Report of DPS, Central Region, for the year 1984 available in the Order book and establishment registers and the same is marked as Annexure IV.

5. The Committee examined all the above mentioned Annexures I to IV with the relevant records and plotted the RTP candidates notionally against the vacancy from 1984 onwards as detailed below.

1) 1984: Total vacancy as per Calculation Sheet for the year 1984 is 9 (Departmental - 5 and Direct - 4) No posting was done during the year. Out of 13 posts as shown in Annexure IV, 9 posts are adjusted due to TBOP implementation.

2) 1985: Total vacancy as per Calculation Sheet for the year 1985 is 7 (4 vacancies adjusted against TBOP Reduction and Balance to be filled is 3).

Departmental - 2 Filled - 0

Direct - 1 Filled - 0 "

9. In short, while estimating 13 posts, only 4 were available to accommodate RTP candidates in 1984 and 3 in 1985. Accordingly, the respondents as per a copy of the merit list of the RTP candidates of the Aluva Division given at Annexure P-7/9 describes that they could accommodate only 13 candidates in all i.e candidates who were appointed on regular basis till 28.11.1989. The list reads as follows:

" MERIT LIST OF RTP CANDIDATES OF ALUVA DIVISION

Sl. No	Name of the candidate	Recruitmen t half year	Date of regular appointment	Remarks
1.	Beena Paul	First half 1982	05.11.1986	
2.	Vinodini PR	First half 1982	05.12.1986	Transferred to Ernakulam Division under Rule 38
3.	Lissy Cherian	First half 1982	28.11.1987	Transferred to Ernakulam Division under Rule 38
4.	Sarala VB	First half 1982	29.11.1987	
5.	Tessy Antony K	First half 1982	23.01.1988	
6	Thankamony K.M	First half 1982	28.07.1988	Dismissed from service on 19.03.2001
7	Teresa KJ	First half 1982	02.01.1989	Transferred to Ernakulam Division under Rule 38
8	Daisy John	First half 1982	01.06.1989	Transferred to Ernakulam Division under Rule 38
9	Molly TV	First half 1982	11.08.1989	
10	Retnakala K	First half 1982	06.10.1989	Transferred to Ernakulam Division under Rule 38
11	Mini Mangala S	First half 1982	10.07.1988	Relieved to join as PA SBCO, Wadakkanchery
12	Vanajakumary NS	First half 1982	24.10.1989	
13	Thilothamma PK	First half 1982	28.11.1989	Transferred to Ernakulam Division under Rule 38

14	Leela PT	First half of 1982	29.05.1990	
15	George Sam Issac	First half of 1982	29.05.1990	
16	Josy Peter	First half of 1982	29.05.1990	
17	Presanna Kumari M	First half of 1982	29.05.1990	
18	Prasanna P	First half of 1982	29.05.1990	
19	Valsa OJ	First half of 1982	29.05.1990	
20	Premalatha P	First half of 1982	29.05.1990	Transferred to Ernakulam Division under Rule 38
21	Ramachandran M	First half of 1982	29.05.1990	
22	Sabira MA	First half of 1982	29.05.1990	
23	Kanakom CM	First half of 1982	29.05.1990	
24	Sherly George	First half of 1982	29.05.1990	
25	Jayasree SR	First half of 1982	29.05.1990	Voluntary Retirement from 1.2.20
26	Padmakumari KS	First half of 1982	29.05.1990	
27	Howabeevi TP	First half of 1982	29.05.1990	
28	Molly MJ	First half of 1982	29.05.1990	Rosily George
29	Rosily George	First half of 1982	29.05.1990	
30	Beena KS	First half of 1983	29.05.1990	
31	Jaya TN	First half of 1982	29.05.1990	
32	Ushakumari N.A	First half of 1983	29.05.1990	
33	Umadevi TP	First half of 1983	31.05.1990	Transferred to Ernakulam Division under Rule 38

10. Shri.T.C.G Swamy appearing for the petitioner argued strongly that the respondents have thwarted the directions of this Tribunal by subterfuge. They have declared many of the existing vacancies as abolished on account of the economy drive and under an opaque term "TBOP implementation". He stresses the fact that the respondents are unable to explain how implementation of TBOP could lead to abolition of posts. He contested the stand of the respondents that there are only 13 vacancies available.

11. SCGSC appearing on behalf of the respondents submitted that the respondents have acted fully in compliance with the directions of this Tribunal. They have correctly estimated the vacancies available, and have taken steps to pre-date the appointments of many persons from the RTP list, notionally as directed.

12. The scope before a Tribunal or a Court in a Contempt Proceeding is circumscribed by the literal content of the direction in the original case. The operative portion of the order in the O.A has been quoted and the controversy is clearly in respect of the first part of this direction which is relating to the estimation of vacancies that arose from 1984 onwards. There has been no direction as to how this has to be done and as to what relevant aspects the respondents were to consider while doing so. From this perspective, the explanation offered in the final affidavit filed by the respondents is relevant. In line with the priorities of the department, they had proceeded with a significant reduction in the sanctioned strength upon implementation of TBOP

scheme and conversion of the Sorting Section resulting in surplus staff in RMS. They maintain that RTPs were given appointment against available vacancies, which were presumably arrived at after the reductions referred to and in May 1990 when the ban on appointments was removed, accommodated *en masse* by creating supernumerary posts. They lay stress on the fact that only 13 RTPs could have been notionally accommodated, if the reduction of posts on implementation of TBOP was taken into account.

13. CP(C) 180/00142/17 in O.A 988/2011, CP(C) 180/00070/17 in O.A 91/2012 & CP(C)/00143/2017 in O.A 119/2011 are all filed against the inaction of the respondents in complying with the directions in respective Original Applications and the Orders in the Original Applications are one and the same as in O.A 1014/2010.

14. Heard Mrs.S.Sujini, learned counsel for the petitioners in CP(C) Nos.142/2017 &143/2017, Mr.Vishnu S Chempazhanthiyil, learned counsel for the petitioner in CP(C) 70/2017, Mr.Thomas Mathew Nellimootttil,Sr.PCGC, learned counsel for the respondents in CP(C) 143/17 & 70/17 and Mr.Anil Ravi, learned counsel for the respondents in CP(C) 142/2017.

15. The petitioners in the CP(C)s are aggrieved by the failure on the part of the respondents to assign them to various years between 1984-1990 on notional basis to the large numbers of posts that they claim, had arisen. The response of the respondents has been to the effect that the available posts were limited on account of abolition of posts resulting from TBOP implementation. In other words, the contention of the respondents in all these CP(C)s is the

same as in CP(C) 53/2017.

16. M.A 180/228/2018, M.A 180/909/2018 & M.A 180/666/2018 in CP/180/00143/17 and M.A No.1201/2018 in CP/180/00142/17 are closed.

17. As mentioned already, the scope in a Contempt Petition is a limited one. There was a direction to estimate the vacancies and the respondents have done so after taking into account the government policy available at that time. We see that significant reduction was introduced in the manpower by way of cost cutting and also due to implementation of TBOP Scheme. The available posts thus dwindled into a small number and the respondents accommodated the petitioners on the basis of their position in the merit list. The direction of the Tribunal was to estimate the number of vacancies correctly and the respondents did so after reducing the number that come to be abolished. We do not discern any non-compliance on the part of the respondents in this regard. Facts being so, we are of the view that there is no merit in CP(C) No.00053/17 in O.A No.1014/10, CP(C) 180/00142/17 in O.A 988/2011, CP(C) 180/00070/17 in O.A 91/2012 & CP(C)/00143/2017 in O.A 119/2011 and are dismissed. Notices stand discharged.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

List of AnnexuresCP 180/00070/2017 in O.A 91/12

Annexure P1 - True copy of the order dated 13.02.2014 in O.A. No. 91 of 2012 of this Hon'ble Tribunal.

Annexure P2 - True copy of the judgment in O.A No.79 of 2011 of this Hon'ble Tribunal.

Annexure P3 - True copy of the judgment in O.P. (CAT) No.114 of 2014 of the Hon'ble High Court of Kerala.

Annexure R-1 - True copy of Directorate Letter No. F No. 18-11/2017-SPB-II dated 22.12.2017.

Annexure R-2 - True copy of letter No. ST/5-2/OA 1014/11 dated 25.01.2018.

Annexure R-3 - True copy of the report of the Committee dated 30.01.2018.

Annexure R-4 - True copy of the letter No. ST/5-2/OA 1014/11 dated 31.01.2018.

Annexure R-1 - True copy of the minutes of the Departmental Screening Committee conveyed by the SRM CT Division dated 03.03.2018.

Annexure R-2 - True copy of the minutes of the Departmental Screening Committee conveyed by the SSRM TV Division dated 03.04.2018.

CP 180/00142/2017 in O.A 988/11

Annexure P1 - A true copy of the order passed by this Hon'ble Tribunal in OA No.119/2011 dated 1/10/2013.

Annexure P2 - True copy of the judgment dated 17/3/2017 passed by the Hon'ble High Court of Kerala in OP (CAT) No.114/2014.

Annexure R-1 - True copy of the minutes dated 03.04.2018.

Annexure P3 - True copy of the letter dated 21/2/2018 issued by the Director (SPN) Ministry of Communication, Department of Posts SPB II Section.

Annexure P4 - True copy of the letter dated 20-06-2018 of the superintendent of Post Officers, Hanamkunda division.

Annexure P5 - True copy of the letter dated 15/5/2018 issued by the Ministry of Communication, Department of Posts, Government of India.

CP 180/00053/2017 in O.A 1014/10

Annexure P-1 - A true copy of the Order dated 01 Oct 2013 in OA No. 1014/2010, rendered by this Hon'ble Tribunal.

Annexure P-2 - A true copy of order dated 07.01.2015 in CP(C) No. 180/00040/2014 in OA No. 1014/2010, rendered by this Hon'ble Tribunal.

Annexure P-3 - A true copy of judgment dated 17 Mar

2017 in OP (CAT) No.95/2014 rendered by the Hon'ble High Court of Kerala.

Annexure R1 - A true copy of common order dated 01.10.2013 in OA No.1014/2010 & connected cases.

Annexure R2 - A true copy of order of this Tribunal dated 07.01.2015 in CP(C) No.40/2014.

Annexure R3 - A true copy of judgment dated 17.03.2017 in OP (CAT) No. 95/2014 & connected cases.

Annexure R4 - A true copy of order dated 18.07.2017 of this Tribunal in MA No.653/2017, MA No. 657/2017 and CP(C) No.53/2017 in OA No.1014/2010.

Annexure R5 - A true copy of judgment dated 10.11.2017 of the Hon'ble Supreme Court under diary No.25442/2017.

Annexure R6 - A true copy of Directorate letter No. F No.18-04/2017-SPB-II dated 13.12.2017.

Annexure R7 - A true copy of Memo No. B/SDPAs dated 09.05.2018 issued by SSP, Aluva.

Annexure P4 - True copy of letter bearing No. B/SDPAs dated 26.12.2017 issued by the SS/Aluva.

Annexure P5 - True copy of letter bearing ST/105-9/2010 dated 08.01.2018 issued by the Assistant Director (Staff) in the office of the Postmaster General, Central Region, Kochi.

Annexure P6 - True copy of letter bearing No.

B/SDPAs dated 04.01.2018, issued by the SS/Aluva.

Annexure P7 - True copy of letter bearing No. nil
dated 09th May 2018 from the Ministry of Communications.

Annexure R8 - A true copy of orders of TBOP
Scheme received from Directorate vide No. 31-26/83-PE.I dated 17.12.1983
communicated vide CO letter NoST/5/1/Rigs dated 22.12.1983.

CP(C) No.180/143/2017 in O.A No.119 of 2011

Annexure P1 - A true copy of the order passed by this Hon'ble
Tribunal in O.A No.119/2011 dated 1/10/2013

Annexure P2 - True copy of the judgment dated 17/3/2017
passed by the Hon'ble High Court of Kerala in OP (CAT) No.101/2014

Annexure R1 - True copy of the Directorate letter F.No.18-
04/2017-SPB-II dated 13.12.2017

Annexure R2 - True copy of the letter No.ST/5-2/OA 1014/11
dated 25.1.2018

Annexure R3 - True copy of the report of the Committee dated
30.1.2018

Annexure R4 - True copy of the letter No.ST/5-2/OA 1014/11
dated 31.1.2018

Annexure R-5 - True copy of the letter No.ST/5-2/OA 1014/11
(Pt) dated 9.3.2018

Annexure R-6 - True copy of the letter No.ST/5-2/OA 1014/11

(Pt) dated 27.3.2018

Annexure R-7 - True copy of the letter No.ST/5-2/OA 1014/11
(Pt) dated 16.5.2018

Annexure P3 - True copy of the letter dated 21.2.2018 issued by
the Director (SPN) Ministry of Communications, Department of Posts SPB II
Section

Annexure P4 - True copy of the letter dated 20.6.2018 of the
Superintendent of Post Offices, Hanamkunda Division

Annexure P5 - True copy of the letter dated 15.5.2018 thus
issued by the Ministry of Communication, Department of Posts, Government
of India

Annexure R-9 - True copy of the table explaining the details of
the applicants and the eligibility of the applicant to get the benefit of Annexure
P-1 order

Annexure R-10 - True copy of Memo No.B/RTP/2018 dated
7.6.2018

Annexure R-11 - True copy of table produced as Ann.R-9 updated
as on date

Annexure R-12 - True copy of Memo No.BB/19/Dig dated
7.6.2018

Annexure R-13 - True copy of the representation submitted by
applicant No.40

Annexure R-14 - True copy of the representation submitted by
applicant no.46///

