

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00055/2018

Original Application No. 180/00475/2018

Monday, this the 10th day of June, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

Hon'ble Mr. Ashish Kalia, Judicial Member

1. Original Application No. 180/00055/2018 -

1. Nixon John, son of P.J. John, aged 54 years, Sub Postmaster, Muthalakodam Post Office, Idukki Division, residing at Palammattam House, Chittoor, Puthupariyaram PO, Vengalloor, Idukki District – 685 608.
2. Premalatha P., wife of T.K. Muralidharan Nair, aged 56 years, Postal Assistant, Aluva Head Post Office, Aluva Division, residing at Latha Vilas, Manickamangalam Post Office, Kalady, Ernakulam-683 574.
3. K.N. Sivadas, son of Narayanan K.K., aged 55 years, Postal Assistant, Vaikom Head Post Office, Kottayam Division, residing at Kalapurackal House, Kanakari PO, Kottayam District-686 631.
4. Lissy Cherian, wife of Cheriyan Paul Vazhappilly, aged 58 years, Postal Assistant, Vytilla Post Office, Ernakulam Division, residing at Vazhappilly House, AKG Road, Maradu PO, Cochin - 682 304.

..... **Applicants**

(By Advocate : Ms. Rekha Vasudevan)

V e r s u s

1. Union of India, represented by Secretary to Government of India, Ministry of Communications, New Delhi – 110 001.
2. The Assistant Director (PE-I), Department of Posts, Ministry of Communications & IT, Dak Bhavan, Sansad Marg, New Delhi 110001.
3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram, Kerala – 695033.

4. The Assistant Director (Legal Cell), Office of the Chief Postmaster General, Kerala Circle, Thiruvananthapuram,
Kerala – 695 033. **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

2. Original Application No. 180/00475/2018 -

1. K.S. Beena, Sub Postmaster, aged 53, Malayattoor PO, (presently Sub Postmaster, Manjapra Post Office) residing at Pattathil House, Manickamangalam PO, Kalady, Ernakulam District, 683 574.
2. Valsa O.J., wife of Josey V.D., aged 54 years, Sub Post Master, Palliport Post Office, Aluva Division, residing at Venganath (Ashirwad), Gothuruth, Ernakulam – 683 516.
3. C.M. Kanakam, wife of T.N. Narendran, aged 54 years, Sub Post Master, Alangad Post Office, Aluva Division, residing at Tharel House, Fish Farm Road, Elamkunnappuzha, Ernakulam – 682 503.
4. Rosily George, wife of Kuruvilla Manjooran, aged 56 years, Sub Post Master, Vadakkekara Post Office, Aluva Division, residing at Manjooran House, Mannam PO, Ernakulam – 683 520.
5. Tessy Antony, wife of Davis Chirayath, aged 57 years, Sub Post Master, Kaitharam Post Office, Aluva Division, residing at Chirayath House, Olanad, Varapuzha, Ernakulam- 683 517.
6. Josy Peter, wife of Mary Jose Peter V.L., aged 57 years, Sub Post Master, Chendamangalam Post Office, Aluva Division, residing at Veliparambil House, Cheranellore PO, Ernakulam 682 034.
7. S.R. Jayasree, wife of M. Raman, aged 55 years, Postal Assistant, Paravur MDG, Aluva Division, residing at Nandikulangara, Mannam, Paravur, Ernakulam 683 520.
8. N.A. Ushakumari, wife of K.M. Satheesan Nair, aged 53 years, Sub Post Master, Puthenvelikara Post Office, Aluva Division, residing at Krishna, Neericode, Alangad, Ernakulam 683 511.
9. M.M. Elizabeth, wife of Shajan David, aged 53 years, Postal Assistant, Panampilly Nagar PO, Ernakulam Division, residing at Pallivathukkal House, Association Road, Kadavanthara, Cochin 682 020.

10. Lisy Kochuthresia P.E., wife of Thomas V.T., aged 55 years, Postal Assistant, Panampilly Nagar PO, Ernakulam Division, residing at Vadassery House, Don Bosco Road, Vaduthala, Cochin – 682 023.
11. Suseela V., wife of C.S. Padmanabhan, aged 55 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at Padmasree, South Chittoor, Cochin 682 027.
12. K.A. Felishia, wife of T.J. Basil, aged 53 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at 29/52A, Lane 1, Thekkevila House, Janatha Road, Vytilla PO, Cochin 682 019.
13. Tresa Symenthy, wife of Robert Bellarmine Aurgo, aged 53 years, Postal Assistant, Ernakulam High Court Post Office, Ernakulam Division, residing at Panayakulathil House, N.K.S. Road, Vaduthala, Cochin – 682 023.
14. Saline N.M., wife of N.J. Francis, aged 54 years, Postal Assistant, Kadavanthara Post Office, Ernakulam Division, residing at Nedumparambil House, Nettoor North, Nettoor PO, Cochin – 682 040.
15. Tessy Antony V., wife of Bosco Thomas A., aged 54 years, Postal Assistant, Kadavanthara Post Office, Ernakulam Division, residing at Thachuparambil House, K.P. Vallon Road, Padom Stop, Kadavanthara, Cochin – 682 020.
16. Radhadevi E.K., wife of the late K. Hariharan, aged 58 years, Postal Assistant, Palarivattom, Ernakulam Division, residing at Aishwarya, 34/822J, KRWA 74, PPN Nagar, Edappally, Cochin – 682 024.
17. Mini Kannan V.K., wife of V. Sudheer, aged 52 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Vattappilly House, XXXIV/42, NNRA 9, Nethaji Nagar, Edappally North PO, Cochin – 682 024.
18. Vimala Mary P.V., wife of K.F. Joseph, aged 52 years, Postal Assistant, Palarivattom Post Office, Ernakulam,

- Division, residing at Kalathiparambil House, Kattamattom, Chembumukku, Kakkanad West P.O., Cochin 682 030.
19. Sharada C.V., wife of K.R.Bhoopeshnath, aged 54 years, Postal Assistant, Elamakkara Post Office, Ernakulam Division, residing at Aathira, YMJ Road, YMJRA 84A, Mamangalam, Palarivattom P.O., Cochin 682 025
 20. Mohanakumar C.G. son of N Gopalakrishna Menon, aged 51 years, Postal Assistant, Palarivattom Post Office, Ernakulam Division, residing at Nellikkappilil House, Kattayil Lane, Kaloor P.O., Cochin 682 017
 21. Beena M R, wife of M.V.Vijayakumar, aged 51 years, Postal Assistant, Kaloor Post Office, Ernakulam Division, residing at Makkayil House, Puthenkulangara, Eroor North P.O., Cochin 682 306
 22. K.G. Parasakthi, wife of T.k.Venkitachalam, aged 55 years, Postal Assistant, Panampilly Nagar Post Office, Ernakulam Division, residing at Aayilyam 36/442, SRA 102, Kallara Road, Eroor, Tripunithura, Cochin 682 306
 23. Eswari K, wife of Jayadev G Varma, aged 54 years, Postal Assistant, Palarivattom Post Office, Ernakulam Division, residing at Thanniparambu Madom, Edappally P.O., Cochin 682 024
 24. Lydia Stella Correya, wife of Rudolf Melvin Correya, aged 54 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Dollo Dale, Manapurath, Varapuzha Landing BO, Varapuzha P.O., Cochin 683 517
 25. M.R.Leeladevi, wife of P Radhakrishnan, aged 54 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Sagarika, Al Ameen School Road, Edappally P.O., Cochin 682 024
 26. Sheela N S, wife of Harichandran B R, aged 53 years, Postal Assistant, Edappally Post Office, Ernakulam Division, residing at Bhagavatiparambil House, Chirakkakam, Varapuzha P.O., Cochin 683 517
 27. Mercy Varghese K., wife of Avarachan K.A., aged 55 years, Postal Assistant, Kalamassery Post Office, Ernakulam Division, 'residing at Aswathy, Keechery Chamakkattu KarotteparambU, Marottichode, Edappally P.O., Cochin 682 024

28. N K Sadasivan, son of Kunjumon N R, aged 52 years, Postal Assistant, HMT Colony Post Office, Ernakulam Division, residing at 3-F, Abad Silver Dew Apartment, HMT Colony P.O., Cochin 683 503
29. P.V.Margret Gracy, wife of K P George, aged 55 years, Postal Assistant, Elamakkara Post Office, Ernakulam Division, residing at Kidangan House, Manimala Road, Edappally P.O., Cochin 682 024
30. Daisy John, wife of John T V, aged 57 years, Postal Assistant, Ernakulam Head Post Office, Ernakulam Division, residing at Thoppil House, Chuttupadukara, Edappally P.O., Cochin 682024
31. Jayakumar K.B., son of B.N.Bhaskara Menon, aged 52 years, Accountant, Ernakulam Head Post Office, Ernakulam Division, residing at Bhavana, Pipe Line Road, Palarivattom, Cochin 682 025
32. Nazeema P.K., wife of Sherif K.M., aged 54 years, Postal Assistant, Tripunithura Post Office, Ernakulam Division, residing at Karedath House, Kanjiramattom P0, Ernakulam District 682 315
33. Shylaja Gopalakrishnan, wife of K.S.Gopalakrishnan, aged 56 years, Postal Assistant, Tripunithura Post Office, Ernakulam Division, residing at Guruvayoorappa Nivas, Hospital Road, Tripunithura, Cochin 682 301
34. Babu M P, son of Prabhakaran M K, aged 54 years, Postal Assistant, Tripunithura Post Office, Ernakulam Division, residing at Cherukarathil House, Madhavam, Puthiyakavu, Tripunithura P 0, Cochin 682 301
35. G. Ambikadevi, wife of P.R.Santhosh, aged 57 years, Postal Assistant, Kalamassery Post Office, Ernakulam Division, residing at Aswin, GCRA-B-245, 18th Cross Road, Changampuzha Nagar P.O., Ernakulam 682 033.
36. K. Retnakala, wife of R V Pai, aged 58 years, Postal Assistant, Thopumpady Post Office, Ernakulam Division, residing at 8/1737 Ayodhya, Koovapalam, Cochin 682 002
37. N. Jalaja, wife of M. N. Venugopal, aged 55 years, Sub Postmaster, Thuravoor Post Office, Alappuzha Division, residing at Vaisakhi, Cherthala South P.O., Alappuzha 688 539

38. P. Thulasi, wife of P. Ramachandran Nair, aged 52 years, Sub Post Master, Thanneermukkam P.O., Alappuzha Division, residing at Prabhath, Varanad P.O., Cherthala, Alappuzha 688 539
39. Rajeswari P., wife of Suresh Kumar M, aged 53 years, Sub Post Master, Poochakal, Alappuzha Division, residing at Kausthubham, Kuthithode P.O., Alappuzha 688 533
40. Prabhakaran Nair A P, wife of the late K. Paranieswaran Nair, aged 53 years, Postal Assistant, Cherthala Head Office, Alappuzha Division, residing at Geetha Nivas, Arattukulangara, Vaikom P.O., Kottayam 686 141
41. Gangakumari M.K., wife of N Radhakrishnan, aged 53 years, Sub Post Master, Sanathanapuram Post Office, Alappuzha Division, residing at Vallayil House, Pazhaveedu P.O., Alappuzha 688 009
42. Sobhana Kumari K.I., wife of A. K. Rengarajan, aged 58 years, Sub Post Master, Mannancherry P.O., Alappuzha Division, residing at Sreerangarn, Kalavoor P.O., Alappuzha 688522.
43. Babu K.S., son of Sreedharan N K, aged 56 years, Sub Post Master, Alappuzha North P.O., Alappuzha Division, residing at Kalakkal Parambil, Arattuvazhy, Alappuzha North P.O., Alappuzha 688 007
44. Ramachandran Nair K, son of Krishnankutty Nair, aged 52 years, Sub Post Master, Champakulam P.O., Alappuzha Division residing at Lekshmi Vihar, Mancombu Thekkekkara P.O., Alappuzha 688 503
45. R.Sethu Madhavan Nair, son of the late V N Rajappa Pillai, aged 51 years, Sub Post Master, Pathirappally P.O., Alappuzha Division, residing at Malavika, Pathirappally P.O., Alappuzha 688 521
46. K. Lalitha, wife of K.P.Yesodharan, aged 57 years, Sub Post Master, Avalakunnu P.O., Alappuzha Division, residing at Kochamparambil House, Aryad North, Mannencherry, Alappzha 688 538
47. K.G.Somasekharan Nair, son of Gopalakrishnan Nair, aged 53 years, Postal Assistant, Alappuzha Head Post Office, Alappuzha Division, residing at Thenath, Komana, Ambalapuzha, Alappzuha 688 561
48. N.B.Devarajan, son of V.Bhaskaran Nair, aged 53 years, Postal Assistant, Alappuzha Head Post Office, Alappuzha

- Division, residing at Srisilpam House, M.O.Ward, Allappuzha 688 011
49. B.Padma Pai, wife of P.R. Sadananda Shenoy, aged 54 years, Sub Post Master, Al[appuzha Collectorate P.O., Alappuzha Division, residing at Haripriya, Old Thirumala, Mullackal Ward, Alappuzha 688 011
 50. Anitha S, daughter of N. Krishna Pillai, aged 56 years, Postal Assistant, Pazhaveedu P.O., Alappuzha Division, residing at Aswathy, Komana, Ambalapuzha, Alappuzha 688 561
 51. D.Babu, son of P Damodaran Nair, aged 53 years, Sub Post Master, Thathampally P.O., Alappuzha Division, residing at Sobhanalyam, Pullangady P.O., Champakulam, Alappuzha 688505.
 52. Balasubramanian E, son of the late Govindan Nair, aged 53 years, Office Assistant, Office of the Superintendent of Post Offices, Tirur Division, residing at Sharos, Ariyallur, Malappuram District 676 312
 53. Devi K, wife of the late Bhaskaran, aged 56 years, Accountant, Ponani Head Post Office, Ponani, Tirur Division, residing at Kozhikkot House, Trikkannapuram Post, Tavanur via, Malappuram District 679 573
 54. Mridula M K, wife of Balakrishnan K, aged 57 years, Postal Assistant, Head Post Office, Tirur, Tirur Division, residing at Kalathil House, Muthour, Tirur, Malappuram District 676 101.
 55. Babu K, son of the late Bhaskaran Nair, aged 56 years, Sub Postmaster, Pullikkal Sub Post Office, Manjeri Division, residing at Kunnath House, Akkaparamba P.O., Kuzhirnanna via, Malappuram District 673 641
 56. Sreekumar P K, son of K Kuttappan Nair, aged 53 years, Postal Assistant, Malappuram Head Office, Manjeri Division, residing at Sreyas House, Mundaparamba P.O., Malappuram District 676 509
 57. Nirmala P P, wife of V P Sundaran, aged 55 years, Postal Assistant, Manjeri Head Post Office, Manjeri Division, residing at Nandanam, Cheenithode, Downhill Post, Malappuram District 676 519
 58. Santhosh Kumar K, son of the late K Kuttan, aged 53 years, Sub Postmaster, Manimooly Sub Post Office, Manjeri Division, residing at Keezhedath House, Modapoika, Edakkara, Malappuram District 679 331

59. Satish Chandran P, son of the late C Balakrishnan, aged 53 years, Postal Assistant, Perinthalmanna MDG, Manjeri Division, residing at Samatha, Melattoor Post, Valiyaparamba Road, Malappuram District 679 326
60. Lalithambika K, wife of the late Vivekanaridan P, aged 56 years, Postal Assistant, Malappuram Head Post Office, Manjeri Division, residing at Thusharam, Mythri Nagar, Kunduparamba, Malappuram District 676 509
61. Beena Madhavan, wife of K.N.Sivadas, aged 51 years, Accountant, Divisional Office, Kottayam, residing at Kalappurackal House, Kanakkari P.O., Kottayam 686632
62. Mary A.C, wife of Joseph V.O., aged 52 years, Sub Postmaster, Ramapuram Bazaar Post Office, Kottayam Division, residing at Arackathazathu House, Kidangoor P.O., Kottayam 686 572
63. Babu Thomas, son of T.T.Thomas, aged 53 years, Sub Postmaster, Arunapuram, Kottayam Division, residing at Areeplackal, Peringulam, Kottayam 686 582
64. K. Lethamol, wife of P.N.Ashok Babu, aged 51 years, Postal Assistant, Ettumanoor, Kottayam, residing at Poothrayil House, Kurumulloor P.O., Kanakary 686632
65. Elsamma George, wife of Mathew Joseph, aged 50 years, Sub Postmaster, Mannanarn, Kottayam Division, residing at Vengachuvattil House, Athirampuzha P.O., Kottayam 686 562
66. Anil A G, son of M.K.Gopalakrishnan Nair, aged 50 years, Sub Postmaster, Meenadom, Kottayam Division, residing at Sreemandiram, Koeroppade P.O., Kottayam 686 502
67. Premkumar P.C., son of P.S.Chandrasekharan Nair, aged 50 years, Post Master, Ettumanoor MDG, Kottayam Division, residing at Pongona House, Arpookara East P.O., Kottayam 686008.
68. K.N.Usha, wife of T.N.Radhakrishnan, aged 56 years, Sub Postmaster, Marangattuppally, Kottayam Division, residing at Madackal, Kuravilangad, Kottayam 686 633
69. Geethamma E.K., wife of P.G.Shajahan, aged 50 years, Sub Postmaster, Cherpunkal Post Office, Kottayam Division, residing at Poovamnillcunnathil House, Vayala P.O., Kottayam 686 587
70. Thressiamma Thomas, wife of P.J.Lukose, aged 52 years, Postmaster, Thalayolapararnbu P.O., Kottayam Division, residing

- at Padavathil House, Kallara South, Kottayam 686 611
71. G.Mayadevi, wife of L.Radhakrishnan Nair, aged 49 years, Sub Postmaster, Kumaranalloor, Kottayam Division, residing at Devika, Manjoor, Kottayam 686 603
 72. Jessy Daniel, wife of Jose P Neerakal, aged 53 years, Sub Postmaster, Kallara, Kottayam Division, residing at Neerakal, Muttuchira, Kottayam 686611
 73. Remani K.K., wife of Pavithran, aged 50 years, Sub Postmaster, Kulashekaramangalam P.O., Kottayam Division, residing at Nila Nivas, Thalayolaparambu, Kottayam 686 605
 74. Mercy Thomas, wife of P.J.Joy, aged 55 years, Sub Postmaster, Thellakom, Kottayam Division, residing at Paravelil, Ettumannur, Kottayam 686 561
 75. Annamma Mathen, Daughter of Mathen, aged 53 years, Sub Postmaster, Pariyaram, Kottayam Division residing at Vazhiyil House, Puthuppally, Kottayam 686 011.
 76. Mercy Joseph, wife of Thothas Mathew, aged 54 years, Sub Postmaster, Ozhuvur, Kottayam Division, residing at Thayyil House, Kothanalloor P.O., Kottayam 686 633
 77. M.R.Satheesh Kumar, son of S.Raveendran Nair, aged 49 years, Sub Postmaster, Vadavathoor P.O, Kottayam Division, residing at Sreedeeppam House, Maalam P.O., Kottayam 686 019
 78. Rajeswary P.S., wife of Muraleedharan R, aged 52 years, Sub Postmaster, Padinjarakara Post Office, Kottayam Division, residing at Sasthasadanam, Thalalayaloparambu, Kottayam 686605
 79. Molly Joseph, wife of Thomas P V., aged 54 years, Postal Assistant, Vaikom Head Office, Kottayam Division residing at Puthenchira, East Gate, Vaikom, Kottayam 686 141
 80. Sathi P G, wife of Padmanabhan Nair P P, aged 55 years, Office Assistant, Divisional Office, Kottayam Division, residing at Indeevaram, Amayannoor P.O., Kottayam District 686 019
 81. Jalajamani Amma S, wife of M.S.Vijayan, aged 56 years, Postal Assistant, SBCO, Kottayam Head Post Office, Kottayam Division, residing at Sreevalsam, Vempally P.O., Kuruvilangad, Kottayam 686 633
 82. Subhadrakuttyamma P P, wife of Sreekumar K A, aged 57 years, Sub Post Master, Thirunakkara, Kottayam Division,

residing at Kottiathu House, Parippu P.O., Kottayam 686 024

83. Sobhana V R, wife of Mohanadas K S, aged 54 years, Postmaster, Pala Head Office, Kottayam Division, residing at Koormthathu House, NSH Mount Post Office, Kottayam 686 006
84. K. Syamala, wife of K Sadanandan, aged 53 years, Sub Post Master, Kalluvathukkal Post Office, Kollam Division, residing at Amaravathy, Mampallikunnam, Chathannoor P.O., Kollam 691572
85. Sairakumari S, wife of Shaji G, aged 54 years, Sub Post Master, Chandanathope, Kollam Division, residing at Gopakripa, Asramam Garden 75, Asramam P.O., Kollam 691 002.
86. Girijakumari J, wife of Bahuleyan Nair S, aged 53 years, Sub Postmaster, Venjaramood, Trivandrum North Division, residing at Sankarathil, Udimoodu, Vattappara, Thiruvananthapuram 695 028
87. G.Ushakumari, wife of M Rajendran Nair, aged 55 years, Sub Post Master, Elamannur, Pathanamthitta Division, residing at Madhava Vilasam, Meloodu P.O., Adoor, Pathanamthitta 691554
88. Sheela N, wife of Pushpan.gadhan S, aged 54 years, Sub Post Master, Nilamel Post Office, Kollam Division, residing at Sandram, Ayirakuzhy P.O., Chithara, Kollam 691 559
89. B. Vikraman Achary, wife of S Balakrishnan Achary, aged 54 years, Sub Post Master, T.K.M. College P.O., Kollam Division, residing at Rajendra Sadanam, Kizhavoor, Mukhathala, Kollam 691 577
90. K. Vijaya Lakshmi, wife of M.S.Haridas, aged 54 years, PRIP, office of the Post Master, Kollam Head Post Office, Kollam division, residing at H.No. 152, FPRA, First Puthen Street, Manacaud P.O., Thiruvananthapuram 695 009
91. Silviya L.S., wife of B. Chandrabhanu, aged 58 years, Postal Assistant, Kollam Head Office, residing at Soma Bhavan, Mayyanad, Kollam 691 303
92. R Renuka Devi, wife of N Balakrishna Pillai, aged 54 years, Postal Assistant, Kollam Head Office, Kollam Division, residing at Sreevignesh, MCRA 103, Thirumullavararn, Kollam 691 012
93. L. Ananda Rama Lekshmi Ammal, wife of S Kumar, aged 54 years, Postal Assistant, Kollam Head Office, Kollam Division, residing at Vasantham, Devi Nagar 32, Thirumullavaram, Kollam 691 012

94. Hemalatha R, wife of B Rajendran Pillai, aged 54 years, Postal Assistant, Kundara Post Office, Kollam Division, residing at Lekshmi Mandiram, Chemmakkad P.O., Perinad, Kollam 691601.
95. Girija T, wife of G Anandan, aged 57 years, Postal Assistant, Kollam Head Post Office, Kollam Division, residing at Athira, CKP Junction, Perinad P.O., Kollam 691 601
96. Leena Bhaskar, wife of D.Dilan, aged 56 years, Postal Assistant, Kottiyam Sub Office, Kollam Division, residing at Manohara, Kottappuram, Paravur P.O., Kollam 691 301
97. P.S.Letha, wife of M. Santhoshkumar, aged 54 years, Sub Post Master, Chathannur, Kollam Division, residing at Swathy, Bhoothakulam, Kollam 691 302
98. Unnikrishnan Nair P, son of G Parameswaran Nair, aged 54 years, Sub Post Master, Adichalanalloor Post Office, Kollam Division, residing at Krishna Vilasom, Mevankonam, Kalluvathukkal P.O., Kollam 691 578.
99. R.Sureshkumar, son of Ramachandran Pillai, aged 52 years, Sub Post Master, East Kallada Post Office, Kollam Division, residing at Suranya, Thazham, Chathanoor P.O., Kollam 691572.
100. Aji V, wife of Anirudhan V, aged 54 years, Postal Assistant, Kottarakara Post Office, Kollam Division, residing at Vadhyaruvila, Edakidom P.O., Ezhukonne, Kollam 691 505
101. J. R.Padma Devi, wife of B Anil Kumar, aged 55 year, Sub Post Master, Pattathanam Post Office, Kollam Division, residing at Aramasobha, MKRA 42, Manayilkulangara, Thirumullavaram, Kollam 691 012
102. Remadevi S, wife of Syam K S, aged 53 years, Sub Post Master, Vadakumthala East Post Office, Kollam Division, residing at Kalpakam, Kulangarabhagom, Chavara P.O., Kollam 691 583
103. Sunila S, wife of Muraleedharan N, aged 56 years, Sub Post Master, Vavvakkavu Post Office, Kollam Division, residing at Kollasseril, Prayar, Kollam 690 547.
104. Lekha Ravindran, wife of K. Ravindran Nair, aged 53 years, Sub Post Master, Clappana Post Office, Kollam Division, residing at Kizhakkemadom, TD Nagar, Kollam – 691 013.
105. Mallika Devi J.R., wife of Balagopal M., aged 53 years, Sub Post Master, Thevally Post Office, Kollam Division,

residing at Sreedarsana, Palace Nagar 129, Thevally PO,ing at Rohini, Thottumkara, Mayyanad PO, Kollam – 691 303.

106. P. Sheeba, wife of S. Prabhakaran, aged 56 years, Sub Post Master, Kannanallur Post Office, Kollam Division, residing at Rohini, Thottumkara, Mayyanad PO, Kollam 691 303.
107. Raj Mohan, son of Gopalakrishnan P., aged 56 years, Postal Assistant, Office of the GPO, Thiruvananthapuram, residing at TC 25/1548, Thampanoor, Thiruvananthapuram-691 001.
108. N. Thannamal, son of P. Radhakrishnan, aged 58 years, Postal Assistant, Sasthamangalam Post Office, Thiruvananthapuram, residing at TC 25/313(1), Government Press Road, Thiruvananthapuram – 695 001. **Applicants**

(By Advocate : Ms. Rekha Vasudevan)

V e r s u s

1. Union of India, represented by Secretary to Government of India, Ministry of Communications, New Delhi 110001.
2. The Assistant Director (PE-I), Department of Posts, Ministry of Communications & IT, Dak Bhavan, Sansad Marg, New Delhi 110001.
3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram, Kerala – 695033.
4. The Assistant Director (Legal Cell), Office of the Chief Postmaster General, Kerala Circle, Thiruvananthapuram, Kerala – 695033. **Respondents**

(By Advocate : Mr. T.C. Krishna, Sr. PCGC)

These applications having been heard on 31.05.2019 the Tribunal on 10.06.2019 delivered the following:

(Common) O R D E R

Per Hon'ble Mr. Ashish Kalia, Judicial Member -

Since the issue involved in the afore-captioned OAs are similar in nature a common order is being passed hereunder. For the sake of convenience pleadings and documents in OA No. 180/55/2018 are referred to in this order and the essence of which are *mutatis mutandis* applicable in

the other afore-captioned OA.

2. The relief claimed by the applicants in the both the above OAs are same and is extracted below:

- “a. Declare that the implementation of Annexure A6 order issued by the 2nd respondent with respect to the Kerala Circle can only be after implementation of the directions of this Honourable Tribunal in Annexure A1 final order.
- b. Direct the 3rd respondent not to finalise the Circle wise Gradation list of the Postal Assistants without implementing the directions in Annexure A1 final order of this Honourable Tribunal.
- c. To grant such other reliefs as may be prayed for and the court may deem fit to grant, and
- d. Grant the cost of this Original Application.”

3. The applicants in these cases are constrained to approach this Tribunal against the stand adopted by the respondents to keep in abeyance the implementation of the directions in the final order dated 1.10.2013 in OA No. 79 of 2011 and connected cases till the implementation of the cadre restructuring of Group-C employees. The applicants submitted that on implementation of the directions in the final order dated 1.0.2013 in OA No. 79 of 2011 and connected cases there are chances of change in circle wise seniority of the Postal Assistant under the 3rd respondent.

4. The applicants began their service career with the 3rd respondent as Reserve Trained Pool Postal Assistant/Sorting Assistant in various dates between 1982 to 1984. Though the scheme promulgated for appointment of Reserve Trained Pools mandated regularization of service of employees appointed under the scheme in the vacancies of the following year of their

appointment, the same came to a halt by the year 1984 under the guise of ban on recruitment imposed by the Government of India. As a result the applicant continued to be engaged as Reserve Trained Pool, without being regularized in service. However, later the respondents chose to regularize their service en-bloc by creating supernumerary vacancies between 1988 to 1990. As a result of the belated regularization in service, the applicants herein had loss of service of about four to six years. Batch of cases were filed before this Tribunal seeking retrospective regularization in service and to grant them consequential benefits through OA No. 79 of 2011 and connected cases which has been affirmed by the Hon'ble High Court of Kerala in OP (CAT) No. 89 of 2014 and connected cases as well as by the Hon'ble apex court in SLP No. 25442 of 2017 and connected cases. It is submitted that on implementation of the directions of the final order in Annexure A1, the date of regularization in service of the applicants will have to be dated back against the vacancies from 1984 onwards. The direct consequence of the same is the change in the date of induction in to regular service. Some of the applicants approached this Tribunal with OA No. 180/460/2015 and connected cases seeking the benefits of Annexure A1 final order to be extended to them too. The said OAs were initially kept pending awaiting the result of the challenge against Annexure A1 final order in the higher forums. However, later it were disposed of by order dated 10.1.2018 (Annexure A5 in OA No. 180/55/2018) declaring that the applicants therein too will be governed by the directions in Annexure A1 final order.

5. We feel it appropriate to extract few paragraphs from the judgment dated 17.3.2017 marked as Annexure A2 of the Hon'ble High Court in OP(CAT) No. 89 of 2014 and connected cases which gives a lucid pen-picture of the RTP system and the grievances of the persons recruited under RTP system who were later on appointed on regular service as Postal Assistants/Sorting Assistants:

“3. The RTP System was introduced as per Annexure AI order dated 30.10.1980. As per the System, while filling up posts of Postal Assistants and Sorting Assistants in each Recruitment Unit, apart from drawing up a list of selected candidates equivalent to the number of vacancies ready to be filled up, an additional list of up to 50% of the candidates used to be prepared. The persons in the said additional list also used to be imparted training and were retained categorized as Trained Reserve Candidates. They were retained in reserve to meet future regular and current emergent needs of manpower in the Postal and RMS Services. Their services were utilized regularly as and when additional staff was required. However, they were paid for their services only on hourly basis. In other words, they were not paid any regular salary as other employees.

4. All the respondents in these Original Petitions are persons who were either recruited in 1983 or between 1983 and 1986. They continued in the RTP and were absorbed into regular service during 1988-1991. However, the service put in by them as RTP was not counted for the purpose of any of the service benefits. It is not in dispute that there was a ban against direct recruitment during the period 1984-1990. According to the respondents, had it not been for the ban, they would have been absorbed into regular service much earlier.

5. The employees were aggrieved by the above position and therefore, the Original Applications were filed by them during 1990 and 1991 claiming that they were entitled to get the benefits of their service commencing from the date of their initial engagement as RTP for the purpose of all the service benefits that were available to other regular employees.....”

6. Applicants were selected for appointment as Postal Assistants and were placed in the RTP on different dates. After having worked in the RTP they were engaged as Postal Assistants and thereafter final absorption was granted. However, absorption granted to them as Postal Assistants was only with prospective effect.

7. As stated earlier, the grievance of the applicants is that service rendered by them on their engagement as RTP short duty Postal Assistant till their regular absorption was not taken in to account when they were regularised. According to them their regular absorption was delayed on account of the ban on recruitment from 1984.

8. In 1986 the the co-ordinate Bench of this Tribunal at Jabalpur in TA No. 82/1986 had examined the grievances of the applicants therein whose cases were similar to the applicants in these cases on hand. The Jabalpur Bench in its order dated 16th December, 1986 held:

“10. Under the circumstances, to end the unreasonable and unjust classification that had been introduced as the result of dual policy of the Government as reflected in the issue of the circular (Annexure R1) and the stopping of further recruitment and absorption to the cadre of posts of Postal Assistants, as affirmed in para 8 of the respondent's return dated 24.6.1985, we direct that:-

- a. Government shall review their policy to stop recruitment/absorption of persons against regular Postal Assistants.
- b. No persons shall be inducted from other Departments like Railway mail Service and Telecommunication Department to man posts of Postal Assistants until the petitioners are absorbed against regular posts.
- c. No fresh persons be taken and recruited against the RTP (Reserve Trained Pool) until the Government reviews their policy as under (a) above. The operation of the circular dated 31.10.1980 (Annexure R1) in regard to recruitment of fresh persons to RTP other than petitioners is struck down in exercise of this Tribunal's writ jurisdiction.
- d. The absorption of the petitioners against regular posts will be so phased on the basis of para 2 of circular dated 30.10.1980 as if no restriction had been imposed on their regular recruitment/absorption earlier and shall be completed within a reasonable period from the date of this order, if necessary by creating supernumerary posts, and subject to screening of the unfit by a specially constituted screening committee to examine their record and performance. The Screening Committee shall also keep in view their seniority in the RTP.”

9. We note that similar orders have been issued by other Benches of this Tribunal. Subsequently, this Bench of the Tribunal in the common order dated 1.10.2013 in OA No. 79/2011 and connected cases (marked as

Annexure A1) issued directions to the respondents Postal Department as extracted below:

“27. In view of the above, all these Original Applications are disposed of with direction to the respondents as under:-

- (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.”

10. We notice that Annexure A1 order of this Bench was affirmed by the Hon'ble High Court of Kerala in OP (CAT) No. 89 of 2014 vide judgment dated 17.3.2017, a copy of which is marked as Annexure A2. It is seen that the respondents Department took the matter in SLP before the Hon'ble Supreme Court of India and that the same was dismissed by the apex court vide Annexure A3 order dated 10.11.2017 stating that no case for interference with the impugned judgment has been made out.

11. That being the position, it is now clear that by virtue of Annexure A1 order of this Tribunal, affirmed by Annexure A2 judgment and Annexure A3 order of the High Court of Kerala and the Supreme Court of India

respectively, the right of the candidates appointed under RTP scheme for being accommodated notionally against the vacancies that were being lying unfilled from 1984 onwards and thereby getting the period of such service rendered by the RTP candidates for reckoning the period of 16 years of service for grant of TBOP benefits was vindicated. Nevertheless, it was clarified in Annexure A1 order that for the purpose of MACP, RTP candidates are entitled to count only the period of their regular service reckoned from the date of their regular appointment as Postal Assistants/Sorting Assistants.

12. In OAs Nos. 180/460/2015, 180/359/2017, 180/372/2017, 180/377/2017 and 180/385/2017 besides their plea for reckoning their service in the RTP for the purpose of conferment of TBOP, the applicants seek the relief of fixing their seniority right from the date of their recruitment as RTP candidates. The respondents resist this relief contending that if seniority is to be fixed retrospectively from the date of their selection as RTP candidates, the same would **upset** the rights acquired by the existing Postal Assistants.

13. It is settled position that raking up of old matters of seniority is likely to result in administrative complications (see *K.R. Mudgal & Ors. v. R.P. Singh & Ors.* - AIR 1986 SC 2086 and *Tilokchand Motichand v. H.B. Munshi* – AIR 1970 SC 898).

14. Therefore, we are of the view that the applicants cannot rely on the afore-mentioned judicial precedents including Annexures A1, A2 and A3 to fortify their claim of seniority from the date of their selection as RTP candidates. However, we are of the view that in the light of Annexures A1, A2 and A3 judicial decisions the applicants in these cases on hand are entitled to the benefits of those decisions especially in relation to the fixation of their TBOP and pensionary benefits. As the Modified Assured Career Progression Scheme (for short, MACPS) envisages **regular service** as a threshold requisite, we hold that for claiming benefits under the MACPS the service rendered by the applicants in the above cases shall be counted only from the date of their regularisation as Postal Assistants/Sorting Assistants. In order to cut short further litigations we direct that the respondents shall grant the benefit of Annexure A1 order of this Tribunal to all the applicants in the afore-captioned OAs.

15. With the above directions, we dispose of these Original Applications. The respondents shall grant the monetary benefits to all RTP candidates in terms of the above order within three months from the date of receipt of a copy of this order. Parties shall suffer their own costs.

16. MAs Nos. 180/552/2018 and 180/633/2018 are closed.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00055/2018

APPLICANTS' ANNEXURES

Annexure A1- True copy of the final order dated 1.10.2013 in OA No. 79 of 2011 and connected cases of this Honourable Tribunal.

Annexure A2- True copy of the judgment dated 17.3.2017 in OP(CAT) No. 89 of 2014 and connected cases of the Honourable High Court of Kerala.

Annexure A3- True copy of the order dated 10.11.2017 in SLP (Civil) Diary No. 25442/2017 of the Honourable Supreme Court.

Annexure A4- True copy of the letter dated 13.12.2017 addressed by the Director of Postal Services.

Annexure A5- True copy of the final order dated 10.1.2018 in O.A. No. 180/460/2015 and connected cases of this Honourable Tribunal.

Annexure A6- True copy of the order No. 25-04/2012-PE-I(Vol.II) dated 10.11.2017 issued by the 2nd respondent.

Annexure A7- True copy of the letter No. ST/5-2/OA1014/11(Pt) dated 27.3.2018 addressed to the 2nd respondent by the Assistant Director (Staff) of the 3rd respondent.

RESPONDENTS' ANNEXURES

Annexure R1- True copy of the Directorate letter No. 44-1/2011-SPB-II dated 12.4.2012.

Annexure R2- True copy of the common order dated 10.1.2018 of the Hon'ble CAT Ernakulam Bench in OA No. 460/2015, 359/2017, 372/2017, 377/2017 and 385/17.

Annexure MA-1- True copy of the interim order dated 23.1.2018.

Annexure R1- True copy of the Directorate letter No. 18-04/2017-SPB-II dated 15.5.2018.

Original Application No. 180/00475/2018

APPLICANTS' ANNEXURES

Annexure A1- True copy of the final order dated 1.10.2013 in OA No. 79 of 2011 and connected cases of this Honourable Tribunal.

Annexure A2- True copy of the judgment dated 17.3.2017 in OP(CAT) No. 89 of 2014 and connected cases of the Honourable High Court of Kerala.

Annexure A3- True copy of the order dated 10.11.2017 in SLP (Civil) Diary No. 25442/2017 of the Honourable Supreme Court.

Annexure A4- True copy of the letter dated 13.12.2017 addressed by the Director of Postal Services.

Annexure A5- True copy of the final order dated 10.1.2018 in O.A. No. 180/460/2015 and connected cases of this Honourable Tribunal.

Annexure A6- True copy of the order No. 25-04/2012-PE-I(Vol.II) dated 10.11.2017 issued by the 2nd respondent.

Annexure A7- True copy of the interim order dated 23.01.2018 in OA No. 180/55/2018 of this Honourable Tribunal.

Annexure A8- True copy of the letter No. ST/5-2/OA1014/11(Pt) dated 27.3.2018 addressed by the Assistant Director (Staff) to the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-