

**Central Administrative Tribunal
Madras Bench**

OA 310/01181/2015

Dated Thursday the 6th day of December Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

K. K. Sellaiyan
Budur Nagar, Pilparuthi Post
Bommidi Via Pappireddipatti
Dharmapuri District 635 301. .. Applicant

By Advocate M/s. Menon, Karthik, Mukundan and Neelakantan

Vs.

1. Union of India, rep. by the
Secretary, Department of Posts
Dak Bhavan, Sansad Marg
New Delhi 110 001.
2. Director (Staff)
Department of Posts
Ministry of Communications and I.T.
Dak Bhavan, Sansad Marg
New Delhi 110 001.
3. The Chief Postmaster General
Tamil Nadu Circle, Chennai 600 002. .. Respondents

By Advocate Mr. G. Dhamodaran

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To set aside order No. REP/33-26/96 dated 10.3.2015 of the 3rd Respondent and consequently direct the respondent to extend the benefit of the order of the Hon'ble Supreme Court in CA 7773 of 2009 dated 31.7.2010 and regularise the service of the applicant in the post held by them with effect from the date of their initial appointment with all attendant and consequential benefits as was granted to identically situated persons and pass such further or other orders”

2. It is submitted that the applicant was approved for compassionate appointment in the year 1997 following the death of his father who was an employee of the respondent department. His name was kept in the waiting list for want of vacancies. However, he was granted temporary appointment and continued to work till the year 2011 when his appointment was terminated.

3. It is further submitted that the appointment of the applicant and several others on regular basis was held up due to the pendency of SLP No. 2976/2008 (Civil Appeal No. 7773/2009). Subsequently, by orders dated 30.08.2010 and 08.03.2011, 239 approved candidates were regularised. Attention is drawn to Annexue A2 communication dated 05.08.2011 in this regard wherein it is stated that apart from the 239 cases, 124 approved candidates were still engaged in

leave/short term vacancies. Out of the 124, 14 approved candidates had approached the Central Administrative Tribunal, Chenai. Till the cases are decided by the Tribunal, the 14 applicants were to be continued to be engaged. The remaining 110 candidates who were not litigants before the Tribunal were directed to be disengaged and it would appear that the applicant had been disengaged following such direction. It is pointed out that the name of the applicant figured at Serial No. 70 of the list attached thereof.

4. Learned counsel for the applicant would produce a copy of the order of the Hon'ble Madras High Court in WPs No. 39039-34130/2014 wherein similarly placed persons out of the 110 names contained in the above list had been granted relief with a direction to the respondents to reinstate and regularise their services with effect from their original appointment with all consequential benefits except payment of arrears on account of such regularisation in terms of the orders passed by the Hon'ble Supreme Court in SLP No. 7773/2009. It is submitted that the applicant being similarly placed is entitled to the same relief.

5. Learned counsel for the respondents would admit the fact that the name of the applicant figured in the same approved list. The fact that the applicant is similarly placed as the Petitioner/respondents in the said WP is not denied. The respondents would accordingly be willing to comply with any order to be passed by this Tribunal.

6. In view of the above submission, as it is not denied that the applicant is similarly placed as the petitioners/respondents in the aforesaid WPs, this OA is

disposed of with a direction to the respondents to extend the same benefits to the applicant as being granted to the petitioners/respondents therein in terms of the order of the Hon'ble High Court dated 13.02.2017 in the said WPs.

7. OA is disposed of with the above directions. No costs.

(R. Ramanujam)
Member(A)
06.12.2018

AS