

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**T.A. No. 9/2015
M.A. No. 3020/2018**

New Delhi, this the 8th day of August, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. National Federation of Postal Employees,
Through its Secretary General Shri M. Krishnan,
1st Floor, North Avenue Post Office Building,
New Delhi – 110001.
2. All India Postal Employees Union GDS (NFPE),
Through its General Secretary
Shri P. Pandurangarao,
CHQ: Dada Ghosh Bhawan,
2151/1, New Patel Road,
New Delhi – 110008.

.. Applicants

(By Advocate : None)

Versus

Union of India,
Through Secretary,
Department of Posts,
Ministry of Communications & IT,
Dak Bhawan, Sansad Marg,
New Delhi – 110001.

.. Respondents

(By Advocate : Shri Piyush Gaur for
Shri Shrutanjaya Bhardwaj)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman**

The 1st applicant is Federation of Postal Employees and the 2nd applicant is All India Postal Employees Union. They filed a WP(C) No. 1003/2013 before the Hon'ble Supreme Court under Article 32 of Constitution of India. They claimed the reliefs in the form of directions to the respondents to treat the Gramin Dak Sevak (GDS) as civil servant for all purposes and to declare Department of Posts, GDS (Conduct and Engagement) Rules, 2011 as invalid and violative of Articles 141, 14 and 16 of the Constitution of India. Further direction prayed for is for inclusion of the GDS under the purview of 7th CPC.

2. The Hon'ble Supreme Court transferred the Writ Petition to the Hon'ble Delhi High Court, through an order dated 13.12.2013. The Hon'ble Delhi High Court, in turn, transferred the matter to this Tribunal, through order dated 04.02.2015. Accordingly, it was renumbered as T.A. No.9/2015. On 18.01.2017, the T.A. was

dismissed for default. Thereafter, the applicants filed MA No. 585/2017 for restoration.

3. Ever since the T.A. was transferred to the Tribunal, the applicant did not evince any interest and, as of now, the case has undergone 105 adjournments. It is the highest in the Tribunal, by any standard. MA for restoration was allowed on 28.07.2017, on payment of costs of Rs.1000/- to CAT Bar Association. There is nothing on record to show that the costs were deposited. Apart from that, there was hardly any representation for the applicants.

4. Since the case has undergone more than 100 adjournments, we have perused the record, as provided under Rule 15 of the C.A.T. (Procedure) Rules, 1987. The nature of relief claimed in the T.A. has already been mentioned. Time and again, the Hon'ble Supreme Court held that the Courts and Tribunals cannot encroach into the area, where the executive is vested with the powers. It is for the Government to decide, whether or not to treat the particular class of employees as Civil Servants. Much

would depend upon the nature of duties, method of appointment and the like. It is purely, a sovereign function. Though the applicants have challenged the Service Rules of 2011, they are not able to demonstrate as to how they are violative of any provision of law. Further, several changes have taken place, ever since the writ petition was filed. The 7th CPC has already submitted its report and made its recommendation, as regards various categories of employees.

5. We, therefore, dismiss the T.A. We make it clear that in case, individual employees of category of GDS or their Associations have any subsisting grievance, it shall be open to them to pursue the remedies, in accordance with law. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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