

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00899/2019

DATED THIS THE 13th DAY OF AUGUST, 2019

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

G.Eshappa
Age 62 years
S/o Pampanna
Retired Post man,Gadag HO
Gadag HO 582101
Resident at:
Near Basavanna Temple
Allabanur 584128
Sindhanur Taluk

....Applicant

(By Advocate Shri P.Kamalesan)

vs.

1. Union of India,
Represented by Director General,
Department of Post,
Dak Bhavan,
New Delhi – 110001.

2.Postmaster General,
SK Region,
Bangalore 560 001 .

3. Superintendent
RMS Q Division,
Mangalore 575 001 .

4.Chief Post Master General,
Karnataka Circle,
Bangalore 560 001

...Respondents.

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. The matter seems to be covered by
an order of the Hon'ble Apex Court in SLP (c)No.13042/2014
which we quote:-

“ ITEM NO.13 COURT NO.1 SECTION XI-A

*S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S*

Petition for Special Leave to Appeal (C) No. 13042/2014

*(Arising out of impugned final judgment and order dated 03-01-2014
in WPC No. 28905/2011 passed by the High Court Of Orissa At
Cuttack)*

UNION OF INDIA & ORS.

Petitioners

VERSUS

GANDIBA BEHERA

Respondent

WITH

C.A. No. 8979/2014 (XII)

SLP(C) No. 979/2015 (XII)
C.A. No. 9886/2014 (XII)
C.A. No. 8674/2015 (XII)
S.L.P.(C)...CC No. 20557-20558/2015 (XII)
C.A. No. 2825/2016 (XII)
C.A. No. 5008/2016 (XVI)
SLP(C) No. 16767/2016 (XVI)
(I.A. NO. 117124/2017-CLARIFICATION/DIRECTION)
C.A. No. 8379/2016 (XVI)
C.A. No. 10355/2016 (IV-A)
C.A. No. 10801/2016 (XVI)
Diary No(s). 13464/2018 (XII)
(IA No.55727/2018-CONDONATION OF DELAY IN FILING)
SLP(C) No. 16615/2018 (XVI)

Date : 23-10-2018 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioners

Mr. Atmaram N.S. Nadkarni, ASG
Mr. Vikramjit Banerjee, ASG
Mr. Merusagar Samantray, Adv.
Mr. Shankar Divate, Adv.
Mr. Leelesh Krishna, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Arvind Kumar Sharma, AOR
Mrs. Anil Katiyar, AOR

For Respondent

Mr. Yasobant Das, Sr. Adv.
Mr. Mukesh K. Giri, Adv.
Mr. Ankit Khera, Adv.
Mr. Jitendra Mohapatra, Adv.

Mr. M.A. Aleemmajid, Adv.
Mr. Kedar Nath Tripathy, AOR

Mr. N. Swaminathan, Adv.
Mr. V.N. Raghupathy, AOR
Mr. K.S. Lathar, Adv.

Mr. Sandiv Kalia, Adv.
Ms. Reena Rao, Adv.
Mr. Nand Ram, Adv.
Dr. Sushil Balwada, AOR

Mr. Beno Bencigar, Adv.
Mr. Sanjay Kumar Visen, AOR

Mrs. K. Sarada Devi, AOR
Mr. I.V. Kasyap, Adv.
Mr. Amarjeet Singh Dheman, Adv.

Mr. P.R. Kovilan, Adv.
Ms. Jubli Momalia, Adv.
Mrs. Geetha Kovilan, AOR

Mr. Vijay Prakash, Adv.
Mr. Abid Ali Beeran P, AOR

Mr. S.K. Sinha, AOR
Mr. Rattan Lal, Adv.
Mr. R.S. Singh, Adv.
Ms. Seema Kashyap, Adv.

Mr. S.R. Setia, AOR

UPON hearing the counsel the Court made the following
ORDER

In the Compilation of Judgments filed on behalf of the respondents, there is an order of the High Court of Karnataka, Circuit Bench at Gulbarga, dated 17.6.2011 and also an order of the Central Administrative Tribunal, Principal Bench, dated 17.11.2016. In the order dated 17.11.2016 passed by the Central Administrative Tribunal, Principal Bench, while dealing with a similar matter, the learned Tribunal had issued the following directions:-

“(a) For all Gramin Dak Sevak, who have been absorbed as regular Group ‘D’ staff, the period spent as Gramin Dak Sevak will be counted in toto for the purpose of pensionary benefits.

(b) Pension will be granted under the provisions of CCS (Pension) Rules, 1972 to all Gramin Dak Sevak, who retire as Gramin Dak Sevak without absorption as regular Group ‘D’ staff, but the period to be counted for the purpose of pension will be 5/8th of the period spent as Gramin Dak Sevak. Rule 6 will accordingly be amended.

(c) The Gramin Dak Sevak (Conduct and Engagement) Rules, 2011 are held to be valid except Rule 6, as stated above.

(d) The claim of Gramin Dak Sevak for parity with regular employees regarding pay and allowances and other benefits available to regular employees, stands rejected.”

Before proceeding any further, we would like to be apprised by Mr. Atmaram N.S. Nadkarni, learned Additional Solicitor General of India as to whether the orders of the Karnataka High Court and the Central Administrative Tribunal, referred to above, have been subjected to challenge by the Union of India before the appropriate forum and if so, the consequences thereof.

Mr. Nadkarni is also requested to inform the Court as to whether in the absence of any challenge, the directions issued, particularly

those by the Central Administrative Tribunal by its order dated 17.11.2016, have been implemented by the Union of India.

Let the matter be listed after four weeks, by which time the information shall be furnished before this Court.

*(Deepak Guglani)
Court Master*

*(Asha Soni)
Assistant Registrar”*

2. It appears that the issue has not been challenged. Therefore, on the basis of the Hon'ble Apex Court order, appropriate orders in compliance may be issued. OA is allowed subject to the result of the SLP now apparently pending. No costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the Applicant in OA No.899/2019

Annexure A1 : Copy of letter dated 27.2.1980

Annexure A2 : Copy of letter dated 9.3.2007

Annexure A3 :Copy of representation of applicant Dtd. 13.5.19

Annexure A4 : Copy of letter Dtd. 22.5.2019

Annexure A5 : Copy of Hon'ble Apex Court order in Civil Appeal No. 1172/1354-1355/1751/1972 dated 22.04.1977

Annexure A6:Copy of the Central Administrative Tribunal, New Delhi order in OA No. 749/2015

Annexure A7 :Copy of the Hon'ble Central Administrative Tribunal order in OA No. 374/2017 dated 25.10.2018

Annexure A8 : Copy of the Hon'ble High Court of Karnataka order in WP No. 81669/2011.

Annexure A9 : Copy of the notification dated 22.12.2003

Annexure A10 : Copy of the Rule 2 (h) of CCS (CCA) Rules, 1965

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