

**Central Administrative Tribunal
Madras Bench**

OA/310/01148/2014

Dated the 12th day of July Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

R.S.Murugan,
S/o R.Siddhan,
No.17, Uttra Raghavan Street,
Arisi Palayam,
Salem 636 009. .. Applicant
By Advocate **M/s.R.Malaichamy**

Vs.

1. Union of India, rep by the
Chief Postmaster General,
Tamil Nadu Circle,
Annasalai, Chennai 600 002.
2. Postmaster General,
Western Region (TN),
Coimbatore 641 002.
3. Senior Superintendent of Post Offices,
Salem East Division,
Salem 636 001. .. Respondents

By Advocate **Mr.A.Rajamathi**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is an OA filed seeking the following relief:-

“To call for the records of the 1st respondent pertaining to his order made in memo No.STA/29/OA-105/2014 dated 16.4.2014 and set aside the same; consequent to

direct the respondents to treat the applicant as if he has deemed to have been appointed on regular basis from 14.8.1982 on the basis of year of recruitment and also deemed to have been granted TBOP, BCR and MACP benefits on completion of 16/26 years of service from the date of his appointment i.e. dated 14.8.1982 and to revise and refix his pay at par with S.Parvathi and others who were recruited and appointed later than the applicant, and thereby,

direct the respondents to pay the arrears of pay and allowances to the applicant, and

To pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of the case.”

2. Learned counsel for the applicant submits that the applicant had applied for the post of Postal Assistant in Salem Division in the year 1982 (first half year recruitment) and it was considered by the competent authority and after conducting an interview the selection list was prepared and the applicant was also selected in the said list. He was sent for 15 days practical training and after completion of the said training, he was put on duty as 'Short duty staff' from 14.8.1982 onwards. Subsequently, he was appointed as Postal Assistant in the Salem East Division on 05.6.89. The applicant was discharging the work from 14.8.82 onwards as Short duty staff in various Post Offices and hence the applicant is entitled to get his service

counted from 14.8.82 onwards. He is also entitled to fix his seniority and other service benefits from the date of initial appointment. The applicant recently came to know that one Parvathy and others who were recruited in the second half year in 1982 were appointed w.e.f. 03.1.1983 and they have joined duty. The authorities are also going to grant 3rd MACP to those officials. Though the applicant was appointed earlier, his service is not being counted for seniority. The applicant is also entitled to get same benefits as enjoyed by the appointees who are appointed in the 2nd half of 1982.

3. The respondents have filed a detailed reply explaining their stand.

4. However, today, when the matter is taken up for hearing, learned counsel for the applicant submits that a similar case had been disposed of by this Tribunal in OA 1149 & 1240 of 2014 dated 27.6.2019. The applicant being similarly placed could not be denied the same benefits and, therefore, the applicant would be satisfied if a similar order is passed in this case also, it is submitted. He has filed a Memo to this effect which is taken on record. Learned counsel for the respondents accepts the same.

5. On perusal of the order passed in OA 1149 & 1240 of 2014, it is seen that this Tribunal had disposed off the OAs following the decision of the Ernakulam Bench in OA 79/11 and the order passed by the Hon'ble Kerala High Court in OP (CAT).89/14 in K.S.Benna vs. UOI & Ors. as follows:-

“10.....We are also of the opinion that the decision of the Ernakulam Bench in OA 79/11 will do justice to the applicants also. The facts and circumstances are similar

and there is no reason to deny the benefits to the applicants herein. Accordingly, we direct the respondents to consider the case of the applicants on the basis of the CAT, Ernakulam Bench order in OA 79/11 & Batch cases and the order passed by the Hon'ble Kerala High Court in OP (CAT).89/14 in ***K.S.Beena vs. UOI & Ors.*** The applicants are entitled to get the same benefit which are given to the applicants therein.

With the above observation the OAs are disposed off. No costs."

6. Keeping in view the above, this OA is disposed of with the following direction.

With no order as to costs.:-

"Accordingly, we direct the respondents to consider the case of the applicant on the basis of the order of this Tribunal in OA 1149 & 1240 of 2014 dated 27.6.2019. The applicant is entitled to get the same benefits which are given to the applicants therein."

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

12.07.2019

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