

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01691/2016**

**Dated the 20<sup>th</sup> Day of August Two Thousand Nineteen**

**P R E S E N T**

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

1. C.Vanachinnappan
2. P.Balan
3. S.Tamilselvan
4. A.Mohan
5. A.Valarmathi
6. R.Chandravadani
7. T.Parimala
8. M.Arunachalam
9. R.Navamani
10. M.Rameshwari
11. P.Rajakur
12. R.Shenbagavalli
13. S.Shanthi-II
14. V.Palanisamy
15. M.Nachimuthu
16. A.Vajravelu
17. V.Thavamani
18. V.U.Pushpamary
19. R.Paramasivam
20. N.S.Gajalakshmi
21. S.Saroja
22. S.Susila
23. M.Indira
24. P.V.Neelamani
25. R.Shanthanalakshmi
26. S.Shanthi-I
27. K.Vijayalakshmi
28. S.Bagyalakshmi
29. S.Kausalya
30. Mangayarkarasi
31. M.Joseph Thatheu
32. N.Vidya
33. V.Girija Sankar
34. A.Nirmalkumar
35. K.Suhirtha Devi
36. R.Anusooya

37.R.Jegatha  
 38.N.Usha  
 39.Andal Srinivasan  
 40.S.Sagayarani  
 41.D.Chandra  
 42.I.Joy Suganthi  
 43.M.Kamala  
 44.R.Rajini  
 45.G.Sumathy  
 46.S.Thembavani  
 47.N.Sakunthala  
 48.S.Pachainayaki  
 49.R.Jothimani  
 50.S.V.Mahalakshmi  
 51.V.Renugadevi  
 52.G.Muralidharan  
 53.K.Jothimani  
 54.A.Pankajam  
 55.N.Sarasu

.. Applicants

By Advocate **M/s.R.Malaichamy**

**Vs.**

1. Union of India, rep by the  
Director General,  
Department of Posts,  
M/o Communications & IT,  
Sansad Marg, Dak Bhavan,  
New Delhi 110 001.
2. The Chief Postmaster General,  
Tamil Nadu Circle,  
Anna Salai, Chennai 600 002.
3. The Postmaster General,  
Western Region (TN),  
Coimbatore 641 002.
4. The Senior Superintendent of Post Offices,  
Coimbatore Division,  
Coimbatore 641 001.
5. The Superintendent of Post Offices,  
Tirupur Division,  
Tirupur 641 601.

.. Respondents

By Advocate **Mr.S.Padmanabhan**

**ORDER**

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

This is an OA filed seeking the following relief:-

“To direct the respondents to count the training period of the applicants for the purpose of drawing increments and also to count the said period as eligible for qualifying service under the CCS (Pension) Rules, 1972 and further direct to extend the benefit of judgment of the Ernakulam Bench of this Tribunal made in OA No.79/2011 and batch cases and also the judgment of this Tribunal in OA 408/2014 to the applicants; and

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

2. The case of the applicants is that they were all recruited for appointment to the cadre of Postal Assistant in the year 1981 and they underwent induction Postal Assistant training as well as Practical training. On completion of training, they were ordered to work as Postal Assistant (PA) continuously without break due to ban on recruitment. They worked for 8 hours duty daily on par with regular employees and performed the same work. Hence the applicants are entitled for regularization of their services from the date of their training. Later the department absorbed the applicants as Postal Assistant by creating some supernumerary posts by letter dated 24.5.1990. The contention of the applicants is that due to late absorption as PA they lost the service benefits, MACP I, II and III, increments, pension and pensionary benefits etc. Similarly placed persons approached the Ernakulam Bench of this Tribunal in OA 79/2011 and batch cases and by order dated 01.10.2013 they were extended the financial benefits of TBOP and MACP with effect from their initial appointment on a notional basis.

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

4. However, when the matter is taken up for hearing, learned counsel for the applicant submitted that the issue involved in this OA is covered by the order passed by this Tribunal in OA 1149 & 1240 of 2014 dated 27.6.2019 wherein the OAs were

disposed of with directions. The applicants being similarly placed could not be denied the same benefits and, therefore, the applicants would be satisfied if a similar order is passed in this case also. Learned counsel for the respondents accepts the same.

5. On a perusal of the order of this Tribunal in OA Nos. 1149 & 1240 of 2014 dated 27.6.2019 would show that the very same issue has been dealt with by this Tribunal in depth. The operative portion of the said order is extracted hereunder:-

“We have gone through the OA 1117, 1128/14 and OA 1235/10. It can be seen that they were disposed off on the basis of the Hon'ble Supreme Court decision in ***Union of India vs. K.N.Sivadas & Ors.*** In this case it has clearly come up before the court that the regularization of the applicants were delayed and they could not get regularization in time and it was the main reason for delayed absorption to the applicants. The applicants cannot be blamed for this delay and they should not be made to suffer for the delay occurred on the part of the department. It is true that the applicants are not entitled to get any seniority or other service benefits which was denied by the Hon'ble Supreme Court in ***Union of India vs. K.N.Sivadas & Ors.*** But they can be granted financial benefits which they are entitled to from the date of their deemed appointment to the post by working out the dates on which vacancy arose for them. 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.

11. With the above observation the OAs are disposed off. No costs.”

6. Since the OA on hand is identical to the one cited supra, following the same ratio, the present **OA is also disposed off with a direction to 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.Beenा vs. UOI & Ors.* The applicants are entitled to get the same benefit which are given to the applicants therein. No costs.**

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

20.08.2019

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