

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.493/2019

Dated Friday, the 5th day of April, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

C.Elumalai, S/o.N.Chinnaiyan,
No.31, Padmavathy Nagar Extension-II,
Annai Anjugam Nagar Post, Nandhivaram,
Guduvanchery,
Kanchipuram District 603 211.

... Applicant

By Advocate M/s Menon, Karthik, Mukundan & Neelakantan

Vs.

1.Union of India,
Rep., by its Secretary to the Govt.,
Ministry of Communications,
New Delhi.

2.The Director (Staff),
Department of Posts,
Ministry of Communications & IT,
New Delhi 110 001.

3.The Postmaster General,
Chennai Region, Chennai.

4.The Senior Superintendent,
RMS, Chennai Airmail Sorting Division,
Chennai 600 027.

... Respondents

By Advocate Mr.Su.Srinivasan

(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 reliefs:

i.To set aside the Order passed by the 4th respondent dated 21.02.2019 rejecting the request of the applicant for regularization of RTP services rendered by him.

ii.To declare that the applicant is entitled to be accommodated against the regular vacancy that arose in the next recruiting half-year subsequent to his selection as Reserve Trained Pool Sorting Assistant as directed by the Hyderabad Bench of this Hon'ble Tribunal and to direct the respondents to grant the applicant regular absorption with effect from the date of the regular vacancy which arose in the next recruiting half year subsequent to his selection as Reserve Trained Pool Sorting Assistant and to refix seniority and other consequential benefits accordingly.

iii.Direct the respondent to regularize and count the service rendered by the applicant as Reserve Trained Pool from the date of initial appointment as Sorting Assistant with all consequential benefits as was implemented in the case of applicants in O.A 779 & 780 of 2013."

2. The applicant is aggrieved by Annexure A-14 order dated 21.02.2019 passed allegedly in compliance of the order passed by this Tribunal in OA 1545/2018 dated 16.11.2018. It is submitted that while the Tribunal directed all the respondents

including the competent authority to review the impugned order therein dated 11.10.2018 and pass a reasoned and speaking order on the claim of the applicant to be treated similarly in the light of the orders of the Tribunal and the judgment of the Hon'ble High court of AP & Telengana relied upon by him and the legal principles laid down by the Hon'ble Supreme Court in their judgment dated 17.10.2014 in the case of **State of U.P. & Ors Vs. Arvind Kumar Srivastava & Ors- CA 9849/2015**, the impugned order passed by the 4th respondent alone merely repeats the previous stand of the respondents and relies on an order passed by the Directorate itself that the implementation of the order of the Hon'ble High Court of AP & Telegana in WP MP No.21403/2016 in WP No.17400/2016 and WP MP No.21429/2016 in WP 17425/2016 filed by the Department of Posts against the common order of CAT, Hyderabad Bench dated 15.04.2015 in OA 779/2013 & OA 780/2013 should not be treated as a precedent in other cases.

3. It is submitted that no reasons have been brought out in the impugned order as to why the order of the Hon'ble High

court of AP & Telangana in the aforesaid writ petitions should not be treated as a precedent and as such it is not a speaking order. More so, when it makes no reference whatsoever to the legal principles enunciated by the Hon'ble Supreme Court as referred to in the order of this Tribunal in OA 1545/2018 dated 16.11.2018. It is further stated that it is highly objectionable that the 4th respondent disposed of the whole matter stating that the order dated 16.11.2018 of the Hon'ble CAT in OA 1545/2018 was complied with whereas it was an order that failed to comply with the order of the Tribunal.

4. Mr.Su.Srinivasan, SCGSC takes notice for the respondents. After a careful perusal of the impugned order, he seeks leave for the respondents to recall the order and pass a reasoned and speaking order strictly in accordance with the directions of this Tribunal in OA 1545/2018 dated 16.11.2018.

5. In view of the offer to recall the impugned order, this OA is disposed of with leave to the respondents to recall Annexure A-14 order dated 21.02.2019 and pass a fresh, reasoned and

speaking order within a period of two months from the date of receipt of a copy of this order.

6. OA is disposed of as above. No costs.

(P.MADHAVAN)
MEMBERJ)

05.04.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.