

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00771/2015

Dated Tuesday the 16th day of April Two Thousand Nineteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

R. Neelamegam
No. 3/130, Soodamanipuram
100 Feet Road
Karaikudi, Sivagangai
Pin – 630 003.

... Applicant

By Advocate M/s R. Malaichamy

Vs

1. Union of India
Rep. by the Superintendent of Post Offices
Karaikudi Division
Karaikudi – 630 003.

2. The Assistant Superintendent of Post Offices
Devakottai Sub-Division
Devakottai – 630 302.

... Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs :

- "1. To direct the respondents to absorb the applicant as GDS against clear vacant post in the 1st Respondent Division with all other service benefits; and,
2. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. It is submitted that the applicant was appointed as GDS Mail Carrier on provisional basis by an order dt. 01.01.2003 for a period of three months after obtaining a security bond from the applicant. His appointment was continued from time to time. The applicant was entitled to absorption as regular GDS. However, as the applicant failed to receive justice at the hands of the competent authority, he filed this OA on 10.05.2015. The respondents, in retaliation, disengaged the applicant from 10.08.2015, it is alleged.

3. Learned counsel for the applicant would submit that the applicant is similarly placed as those in OAs 1208/2013 & batch disposed of by an order of this Tribunal dt. 06.08.2018 with a direction to the authorities to confer the benefits of the decision in *A. Suguna & Guruswamy* cited therein for inclusion of the applicants in the dovetailed seniority list prepared in terms of the 23.12.1993 scheme as applied to the said Suguna, a 1998 appointee. Although the respondents have not yet complied with this order, as far as this Tribunal is concerned, the matter should be considered settled and a similar order passed in the instant case, it is urged.

4. Mr. M. Kishore Kumar, Senior Panel Counsel appears for the respondents and submits that Mr. V. Chandrasekaran is no longer in the panel and accordingly, his name may be substituted in the cause list.

5. Learned counsel for the respondents would submit that the respondents had not implemented the order passed by this Tribunal in OAs 1208/2013 & batch dt. 06.08.2018 and, therefore, the applicant being similarly placed is not relevant at this stage. The respondents proposed to file a Writ Petition in the Hon'ble Madras High Court against the said order and the matter will attain finality only in due course subject to orders of the High Court.

6. Learned counsel for the applicant would, however, submit that recently this Tribunal had passed an order in OA 863/2013 disposing of the case subject to the outcome of any Writ Petition filed by the respondents and urges that a similar order be passed.

7. Keeping in view the above submission and the order passed by this Tribunal in OA 863/2013 dt. 29.11.2018, this OA is also disposed of with the following direction :-

"The respondents are directed to grant the same benefit to the applicant herein as the applicants in OAs 1208/2013 & batch subject to the outcome of the Writ Petition, if any filed before the Hon'ble Madras High Court."

8. OA is disposed of. No costs.

(R. Ramanujam)
Member(A)
16.04.2019