

**Central Administrative Tribunal
Madras Bench**

OA/310/01086/2018

Dated Monday the 10th day of June Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. T.Jacob, Member(A)

J.Prabhavathy
W/o late Janbulingam,
No.3, Rajaji Nagar, Ist Street,
Villivakkam,
Chennai 600 049. .. Applicant
By Advocate **M/s.S.Ramaswamyrajarajan**

Vs.

1. Union of India, rep by
The Chief Postmaster General,
Tamil Nadu Circle,
Chennai 600 002.
2. The Superintendent, RMS,
Chennai Sorting Division,
Chennai 600 008.
3. The Head Record Officer,
Chennai Sorting Division,
Chennai-8. .. Respondents

By Advocate **Mrs.M.Santhini**

ORAL ORDER

[Pronounced by Hon'ble Mr.T.Jacob, Member(A)]

The applicant has filed this OA seeking the following relief:-

“To set aside the impugned orders Memo No.B-2/OA 1996/2017 dated 04.4.2018 passed by the 2nd respondent and Order No.REP/83-OA/1996/2017 dated 30.5.2018, passed by the 1st respondent,

To direct the respondents to regularize the service of the applicant on giving her the appointment as MTS taking into account her seniority in the Temporary Status Casual Labourer Seniority List and to grant all consequential benefits.
And

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

2. Learned counsel for the applicant submits that the applicant was engaged as Mazdoor w.e.f. 27.6.1996. She previously filed OA No. 1146/2011 to absorb her as GDS Mail Women in one of the existing vacancies and OA No.1996/2017 to regularize her service and grant her appointment as MTS taking into account her seniority in the Temporary Status Casual Labourer Seniority list and to grant her all consequential benefits. This Tribunal by order dated 13.9.2012 in OA 1146/2011 quashed and set aside the oral termination and directed the respondents to re-instate the applicant forthwith and take necessary steps to regularize the services of the applicant after following the procedure by taking into account the date of her initial appointment w.e.f. 27.6.1996 and grant her all consequential benefits within a period of 2 months. By Order dated 29.12.2017 in OA 1996/2017 directed the

respondents to consider the pending representation of the applicant dated 16.8.2017 within a period of 3 months from the date of receipt of a copy of the order. In compliance of the order in OA 1146/2011 the applicant was conferred with temporary status on 27.6.1999 and treated on par with temporary Group 'D' w.e.f. 27.6.2002 subject to the conditions of casual labourers by letter dated 31.7.2014 and in compliance of Order in OA 1996/2017 a detailed speaking order dated 04.4.2018 was issued by the 3rd respondent rejecting the claim of the applicant on the ground that she is over-aged for regularization as MTS. Aggrieved by the impugned order dated 04.4.2018 the applicant has filed this OA seeking the aforesaid relief.

3. Upon notice, the respondents have entered appearance and filed the reply statement wherein para-8 reads as follows:

"8.....the applicant has not been regularized as per MTS Recruitment Rules 2015. It is submitted that as per the Directorate letter No.45/37/91-SPB-I dated 16.8.1991, the age of the applicant as on 01.4.2017 after applying age relaxation (Age as on 1st April of the vacancy year minus service rendered as casual labour) is 34 years 01 months 23 days which is above prescribed age limit for UR category i.e 25 years. Hence, the order passed by the respondent vide letter no B-2/OA 1996/2017 dated 04.4.2018 is in order.

It is also submitted that the MTS Recruitment Rules, 2015 have been superseded with revised MTS Recruitment Rules, 2018 vide gazette notification dated 16.8.2018. As per the revised MTS recruitment rules 2018, there is no upper age limit for GDS and Casual Labourer. It is submitted that as per MTS Recruitment Rules, 2018, the case of the applicant was kept before the DPC for the year 2018. The applicant was recommended by the members of the DPC was regularized as MTS in Chennai Sorting Division vide HRO/MTS-8/2017 on 30.10.2018."

Therefore, as per revised Recruitment Rules 2018, the prayer of the applicant for regularization as MTS is fulfilled. Accordingly they prayed for dismissal of the OA.

4. Heard the learned counsel for both sides and perused the material available on record.

5. Referring to para 8 of the reply statement, learned counsel for the respondents submits that the relief sought by the applicant has already been granted and therefore, the OA has become infructuous and is liable to be dismissed. Learned counsel for the applicant also accepted the same provided the applicant is permitted to file fresh OA seeking the consequential benefits.

6. In view of the above submissions and taking judicial notice of the contents of Para-8 of the reply statement, the OA is closed as having been rendered infructuous and liberty is granted to the applicant to file a fresh OA with regard to consequential benefits arising out of appointment as MTS, if so advised. No order as to costs.

T.Jacob)
Member(A)
10.06.2019

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