

**Central Administrative Tribunal
Madras Bench**

OA/310/01283/2013

Dated 25th day of April Two Thousand Nineteen

P R E S E N T

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

P.Kandasamy,
S/o A.Perumal,
No.151, Narasimapuram Colony,
Ariyakudi 630 202.,
Karaikudi.
By Advocate **M/s.R.Malaichamy**

.. Applicant

Vs.

1. Union of India rep by the
Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.
2. The Director of Postal Service,
O/o thePostmaster General,
Southern Region (TN),
Madurai 625 002.
3. Superintendent of Post Offices,
Karaikudi Division,
Karaikudi 630 003.

.. Respondents

By Advocate **Mr.G.Dhamodaran**

ORDER

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

This is an OA filed seeking the following relief:-

“Direct the respondents to post the applicant as GDS SPM instead of GDS MP with all attendant service benefits or in the alternative to direct the respondents to give TRCA protection in the cadre of GDS SPM; 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 applicant is that he is working as GDS MP at Ariyakudi S.O. and while he was working as GDS SPM, Muraiyur S.O. he was suspended from duty w.e.f. 25.8.07. The allegation was that he has misappropriated various amounts from the deposit accounts. An Enquiry Officer was appointed and enquiry was conducted and he was removed from service. He filed OA 180/2010 against his removal from service and this Tribunal had modified the punishment and ordered for reinstatement of the applicant. According to the applicant, he was reinstated to service on 04.4.11 as GDS MP instead of GDS SPM. According to him, the post of GDS SPM is having TRCA and he is not getting the same at present. The respondents ought to have appointed him as GDS SPM with TRCA benefits. Hence he has filed this OA.

3. The respondents appeared and filed a detailed reply denying the averments in the OA. According to them, as per order of this Tribunal, they have reinstated the applicant immediately on 04.4.2011 and he was posted as GDS MP on his own request. According to them, the Muraiyur Sub-Post Office is now downgraded and

there is no TRCA and there is no TRCA available to the post of GDS SPM. It is also stated that as per the order they had reinstated the applicant without any backwages and there is no continuity of service and he was posted in the present post as per the application given by him. The period from 12.9.96 to 28.2.2009 wherein he worked as GDS SPM will be counted as duty and the period of put off duty between 01.3.2009 to 07.7.2011 will not be counted as duty for all purposes. According to them, there is no specific order for posting the applicant as GDS SPM as stated in the application.

4. Heard both sides and perused the pleadings. The only point for consideration is that whether the applicant is entitled to be posted as GDS SPM with TRCA protection. On a perusal of the order of reinstatement passed by this Tribunal, it can be seen that there is no specific order as stated by the applicant to reinstate him in the same post as claimed by him. The Tribunal has only modified the punishment to debarring the applicant from being considered for recruitment to Group-D post or in other post for a period of three years. The Tribunal has ordered the respondents to reinstate the applicant in service but it was made clear that the applicant shall not be entitled to any backwages for the period he was out of service. On going through the representation given by the applicant, it can be seen that he has in fact opted for GDS PM on his own request and he cannot say now that he should be posted as GDS SPM. Further, the post where he was working as GDS SPM is now downgraded w.e.f. 2010 onwards, as per order of the Dy. Director General (Estt) dated 14.1.10. So, there is absolutely no merit in the claim put forward by the applicant. There is no specific

order by the Tribunal to appoint him as GDS SPM itself. Further the benefit of TRCA is available only on the basis of work-load and cannot be claimed automatically at all stations.

5. So, we are of the opinion that there is absolutely no merit in the contention put forward by the applicant in this case and it is liable to be dismissed. Accordingly, OA is dismissed with cost.

(T.Jacob)
Member(A)

25.04.2019

(P.Madhavan)
Member(J)

/G/