

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.526/2013

with

ORIGINAL APPLICATION No.527/2013

ORIGINAL APPLICATION No.576/2013

ORIGINAL APPLICATION No.577/2013

ORIGINAL APPLICATION No.578/2013

Date of decision: 16.09.2019

**CORAM:- R. VIJAYKUMAR, MEMBER (A).
R.N. SINGH, MEMBER (J).**

(Applicant in OA No.526/2013)

Panchasheela Mukund Gaikwad
Shri Mukund Kashinath Gaikwad
Age: Adult, wd/o Late Mukund Kashinath
Gaikwad, Post held as Gramin Dak Sevak,
Delivery Agent (Ex. EDDA) Maloli,
BO Under Velapur SO Pandharpur,
Division, Pandharpur residing at
Bhimnagar at PO Bhalvani,
(Nikas Bhalvani)
Tal. Pandharpur, Dist. Solapur-413 304.

(Applicant in OA No.527/2013)

Shri Dipak Murlidhar Shete
Age: Adult,
Post held as Ex GDS DA,
Ex Gramin Dak Sevak Delivery
Agent Wakhri Branch Post Office
Tal. Post Pandharpur HPO
413204 Dist. Solapur residing at
Koli Galli, H. No. 1041,
At PO Pandharpur HPO,
Dist. Solapur 312 304.

(Applicant in OA No.576/2013

Shri Salim Dagdu Pathan
 Age: Adult,
 Post held as Gramin Dak Sevak
 (BPM Upari) GDS Packer
 Kurdwadi P. O. on deputation to
 UPARI BO as GDS BPM
 Residing at Mendhapur Village,
 At PO Pandharpur,
 Dist. Solapur 413 304.

(Applicant in OA No.577/2013

Sanjay Krishna Maske
 Age: Adult
 Post held as Gramin Dak Sevak
 Mail, Dely Agent, GDS,
 Mahud Village, Via Pandharupur
 HO, At PO Mahud, Pandharpur, HPO
 District Solapur
 Residing at H.No.4596,
 Opp. Suleman Chawl, Galade
 Plot, Old Karad Naka At PO,
 Pandharpur HO 413304
 Dist. Solapur, Mah. State.

(Applicant in OA No.578/2013

Tajulmulk Noormohamed Attar
 Age: Adult,
 Post held as Ex GDS DA,
 At. P. O. Karmala Post Office,
 413 203 (Dt. Solapur)
 Residing at Ravgaon,
 Tal. Karmala (Dt. Solapur)-413 203.

... **Applicant.**

(By Advocate Shri Vicky Nagrani)

VERSUS.

1. Union of India
 Assistant Superintendent of

Post Offices, South Sub Div,
Pandharpur HPO Bldg.,
Main Road, P.O. Pandharpur HO,
413 304 (Dist Solapur)
Maharashtra Circle.

2. Superintendent of Post Offices
Pandharpur Division
At Po Bldg., Main Road,
At. P. O. Pandharpur HO,
P.413304
Dist. Solapur, Maharashtra State.
3. Directorate of Postal Services
Pune Region HQ in PMG Office
Postmaster General,
Pune Region Camp
Near CTO, Admn. Bldg,
At P.O. Pune Head Post Office
Dist. Pune 411 001.
4. Postmaster General
Pune Region,
Administrative Building,
Near CTO Camp,
At P.O. Pune H. O. 411 001.
5. Chief Postmaster General
Maharashtra Circle
Old GPO Bldg., 2nd Floor,
Walchand Hirachand Road,
Fort, At P.O. Mumbai GPO
Mumbai-400 001.

... Respondents.

(By Advocates Shri N. K. Rajpurohits and Ms
Naveena Kumai)

O R D E R

Per: R. Vijaykumar, Member (A)

1. When the case is called out, Shri Vicky Nagrani, learned counsel appeared for the applicants in all the above OAs.

2. Shri N. K. Rajpurohit along with Ms. Naveena Kumai, learned counsels appeared for the respondents in all the above OAs.

3. The OA has been filed on 03.09.2015 under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following common reliefs in all OAs:

(a) Hon'ble Justice and Member (A) be pleased to quash and set aside the orders dated 02.09.2011 and 18.04.2006 (Annexure A-1 (a) (b). That termination by deviating rules and judgments and raising plea that Writ Petitions are subjudiced was illegal and contrary to Rules.

(b) Respondent be directed to reinstate the applicant without back wages (FR 11) on the basis of group of WP (Anjankar cases) healed in H. C. Nagpur.

(c) Any other order.

(d) Cost if provided be paid to the applicant."

4. The applicants have also filed MAs for condonation of delay of about four months from 02.09.2011 when the orders were passed by the respondents in obedience to the orders of this Tribunal in OA No.172/2008 upto 03.09.2012 which

varies between situation of no delay in some OAs to small delay in some other cases.

5. The applicants have challenged the speaking orders passed by the respondents which states that their appointments are not regular and therefore, in its orders at para 'e' have stated as follows:

"(e) In this case the judgment given in R. Jambukeswaran case is not applicable as the applicant was not appointed regularly and CAT Judgment is always applicable to the concerned applicants only, as circumstances differ from case to case."

6. This Tribunal in its directions contained in OA No.172/2001 passed on 07.04.2011 had specifically drawn the attention of the respondent authorities to the Full Bench judgment of the Madras Bench of this Tribunal which had also referred to a Full Bench judgment of the Allahabad Bench of this Tribunal while passing the orders. However, while observing as above that the facts in the case of R. Jambukeswaran are not applicable to the applicants, The respondents have gone ahead to confine the

decisions of the Full Benches of this Tribunal to only the concerned applicants and have opposed the determination of this Tribunal in OA No.172/2008 that the decision of Full Bench of this Tribunal in the case of Shri Dipak Murlidhar Shete Vs. Union of India and Others will have to be considered in its proper spirit and contents while passing orders. Clearly, the respondents have erred in that their orders displayed contempt and seeks to reinterpret the orders of this Tribunal rather than conform to and obey the directions contained therein and then pass reasoned and speaking orders.

7. In these circumstances, the orders passed by the respondents dated 02.09.2011 are clearly vitiated in comprehending the legal issues involved in the reference required to be consulted as directed by this Tribunal and therefore, these orders are quashed with directions to the respondents authority to pass a proper reasoned and speaking order as already directed by this Tribunal in full compliance of the directions of this Tribunal.

8. Such orders shall be passed within six weeks from the date of receipt of a certified copy of this order and shall be served to the applicant within two weeks thereafter. All the pending MAs also stand disposed of.

9. No order as to costs.

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

v.

SD
19/5/19

