CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

OA No.309/2019 with MA No.315/2019
And
OA No.310/2019 with MA No.316/2019

This the 05th day of November, 2019

1. Shri Liyakatali M. Saiyed
   Son of Mirsabali Saiyed
   Aged 60 years
   Residing at : B-8, Postal Society, Juhapura,
   Ahmedabad- 380 055. ………………..**Applicant of OA No.309/2019.**

2. Shri Balvantbhai M. Vora
   Son of Muljibhai Vora
   Age 66 years
   Residing at : 11, Parth Tenement, Nr. Kush Intercity
   Naroda, Ahmedabad 382 330.……….. **Applicant in OA No.310/2019**

(By Advocate : Shri Joy Mathew)

VERSUS

1. Union of India,
   Notice to be served through
   The Secretary, Ministry of Communication & IT
   Department of Posts, Dakbhavan, Sansad Marg,
   New Delhi 110 001.

2. The Chief Postmaster General
   Gujarat Circle, Khanpur,
   Ahmedabad 380 001.

3.   The Postmaster General
      Ahmedabad Region, Shahibaug, Ahmedabad 380 004.

4.   The Director Postal Services (HQ)
      Office of the Chief Postmaster General
      Gujarat Region,
      Khanpur, Ahmedabad 380 001……………**Common Respondents**

(By Advocate : Ms. R.R. Patel)

COMMON ORDER (ORAL)

Per :   Hon'ble Shri M.C.Verma, Judicial Member

Learned counsel for applicant, Shri Joy Mathew in both the OAs submits that the grievance of the applicants are that treating the post of Postal Assistant as promotional post, they were denied the benefit of their due MACP and hence, are these OAs. He added that notice to respondents, qua OA were directed to be issued on 13.9.2019 and that respondents though have filed Appearance Memo but no reply has yet been filed. He added that after 13.9.2019, this Bench vide Order dated 17.9.2019 in batch matters of 52 OAs has held that post of Postal Assistant is not a promotional post for the post of Postman and while holding so has directed the respondents to place the claim of applicants of said 52 OAs before Review Screening Committee

for examination afresh. That thereafter one another batch of six OAs, lead case bearing No.319/2019 came before this Tribunal, on 30.9.2019, and that batch OAs were disposed of as withdrawn with liberty to prefer representation and direction to the respondents to consider and dispose of the same within a period of six weeks from the date of receipt of the representation. Learned counsel submits that applicant also wants to withdraw these two OAs also with same liberty and directions as was given in batch matters of OA No.319/2019. He also placed on record copy of the Order dated 30.9.2019 passed in batch of six OAs, lead case bearing No.319/2019. Order dated 30.9.2019 passed in batch of six OAs, lead case bearing No.319/2019 reads as under :

> *"All abovenoted six OAs are at the stage of motion hearing, applicant in all OAs is represented by same counsel and the grievance of the applicants is that treating the post of Postal Assistant as promotional post, they were denied the benefits of their due MACP. Learned counsel, Shri Joy Mathew, who is appearing for applicant of all said OAs fairly submits that no applicant of this batch of OA personally has preferred representation for redressal of his grievance, however, one Shri K.B.Solanki, a similarly situated employee, did prefer representation long ago and his representation was dismissed by respondents. He also submits that recently in batch matters of 52 OAs (leading matter is OA No. 93/2019 in case of Natvarbhai S. Makwana v/s. Union of India), this Bench of the Tribunal has passed final Order on 17.09.2019 and had held that post of Postal Assistant is not a*

promotional post for the post of Postman and while holding so directed the respondents to place the claim of applicants of said 52 OAs before Review Screening Committee for examination afresh, treating the date of entry into the cadre/ grade of the post of Postal Assistant to release necessary financial upgradation.

2.   Learned counsel submits further that in view of the changed circumstances, particularly after decision of this Tribunal in OA No.93/2019 and batch applicants of these six OAs now wants to prefer the representation before the respondents department claiming parity with applicants of abovesaid batch matter of 52 OAs, and reserving liberty to agitate the matter in case the final outcome of the decision on their representation comes against them, wants to withdraw their respective OA at this stage. He also submits that applicant would prefer the representation within two weeks from today and he made requests to allow the withdrawl of OA with direction to respondent to take decision on their representation within a month or within a time as this Tribunal deem fit and proper to fix.

3.   Considered the submissions. Withdrawl of all six OAs is allowed. Applicant of each said OA is granted liberty to prefer representation, if he wishes so, and if he prefers representation within two weeks, the respondents shall consider the same as per its merits and shall dispose of the representation within a period of six weeks from the date of receipt of the representation. Needless to say, whatever decision so taken shall be communicated to the applicant.

4.   All the six OAs stand disposed of as withdrawn. Pending MA, of each OA also stand disposed of."

2.   Learned proxy counsel, Ms. Nidhi Surti submits that respondents have no objection if prayer as has been made by the learned counsel for applicant is acceded to.

3.   Considered the submissions and perused the record, facts and circumstances of the matter.

4. Having taken note of entirety, withdrawl of these two OAs bearing Nos.309 & 310 of 2019 are allowed. Applicant of each said OA is granted liberty to prefer representation, if they wish so, and if they prefer representation within two weeks, the respondents shall consider and dispose of the same within a period of six weeks from the date of receipt of the representation. Needless to say, whatever decision so taken shall be communicated to the applicant.

5. Both the OAs bearing Nos.309 & 310 of 2019 stand disposed of as withdrawn. Pending MA, of each OA also stand disposed of.

6. Registry is directed to place copy of this order in OA No.310/2019 for record purpose.

(M.C.Verma)
Member (J)

nk