

CENTRAL ADMINISTRATIVE TRIBUNAL AMHEDABAD BENCH

**Original Application Nos.332/2018, 355/2018,
435/2018, 85/2019, 86/2019 & 87/2019
Dated the 3rd day of December, 2019**

CORAM :

Hon'ble Shri. M.C.Verma, Member (J)

OA No.332/2018

Shri Abdul Razak Mahmadbhai Shaikh,
DOB 2.4.1956, Age 62 years,
Son of Mahmadbhai Saddikbhai Shaikh,
Postal Assistant (Rtd),
Vadasinor Sub Post Office – 388 255.
Residing at : 12, Faizane Madina Society,
Raipur Road, Vadasinor – 388 255,
Dist : Mahisagar ... Applicant

V/s

The Union of India & Others

Notice to be served through

- 1) Secretary to the Govt. of India,
Ministry of Communication & I.T., Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.
- 2) Chief Postmaster General, Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
- 3) Postmaster General, Vadodara Region,
Vadodara – 390 002.
- 4) Director Postal Services, O/o. The Postmaster General,
Vadodara Region, Vadodara – 390 002.
- 5) Supdt. of Post-Offices, Anand Division,
Anand – 388 001. Respondents

OA No.355/2018

Shri Dhirajlal Valamji Thackar,
DOB 5.6.1957 Age 61 years,
Son of Shri Valamji Jivraj Thackar,
Sub Postmaster (Rtd.),
Kandla Harbour, Dist. Kachchh.
Residing at : 21, Sharshwat Florance Society,
Opp. Krishna Medical College,
P.O. Karamsad,
Dist. Anand – 388 520. ... Applicant

V/s

The Union of India & Others

Notice to be served through

- 1) Secretary to the Govt. of India,
Ministry of Communication & I.T.,
Department of Posts, Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
- 2) Chief Postmaster General, Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
- 3) Postmaster General, Rajkot Region, Rajkot – 360 001.
- 4) Supdt. of Post-Office,
Kachchh Division, Bhuj – 387 001. Respondents

OA No.435/2018

Shri Jivanbhai Ranabhai Makwana,
DOB: 1.5.1958, Age 61 years,
Son of Shri Ranabhai Gigabhai Makwana,
Postal Assistant (Rtd),
Amreli Head Post Office, Amreli – 365 601.
Residing at : Dwarkeshnagar,
Chital Road,
Amreli – 365 601.

V/s

**The Union of India & Others
Notice to be served through**

- 1) Secretary to the Govt. of India,
Ministry of Communication & I.T., Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.
- 2) Chief Postmaster General, Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
- 3) Postmaster General, Rajkot Region, Rajkot – 360 001.
- 4) Supdt. of Post-Office,
Amreli Division, Amreli – 365 801. ... Respondents

By Advocate Ms R R Patel

OA No.85/2019

Shri Sardarhai Punjabhai Khant,
DOB 10.3.1951 Age 68 years,
Son of Shri Punjabhai Bapujibhai Khant,
Sub Postmaster (Rtd),
Lunavada Sub Post-Office,
Dist. Mahisagar.
Residing at: Movasa P.O. Malekpur,
Dist. Mahisagar – 389 235 ... Applicant

V/s

The Union of India & Others
Notice to be served through

- 1) Secretary to the Govt. of India,
Ministry of Communication & I.T., Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.
- 2) Chief Postmaster General, Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
- 3) Postmaster General, Vadodara Region,
Vadodara – 390 002.
- 4) Director Postal Services, O/o. The Postmaster General,
Vadodara Region, Vadodara – 390 002.
- 5) Supdt. of Post-Offices, Panchmahals Division,
Godhra – 389 001. ... Respondents

OA No.86/2019

Shri Babubhai Singaji Kharadi,
DOB 1.6.1958 Age 61 years,
Son of Shri Singaji Kalaji Kharadi,
Postal Assistant (Rtd.),
Ahmedabad G.P.O.,
Ahmedabad – 380 001.
Residing at: B-38, Nijanand Society,
New Ranip,
Ahmedabad – 382 470. ... Applicant.

By Advocate Shri A D Vankar

V/s

The Union of India & Others

Notice to be served through

- 1) Secretary to the Govt. of India,
Ministry of Communication & I.T., Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.
- 2) Chief Postmaster General, Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
- 3) Postmaster General, Ahmedabad H.Q. Region,
Speed Post Complex, Shahibag, Ahmedabad – 380 004.
- 4) Chief Postmaster, Ahmedabad G.P.O.,
Ahmedabad – 380 001. ... Respondents

OA No.87/2019

Shri Dipakkumar Natvarlal Solanki,
DOB 8.9.1957, Age 62 years,
Son of Shri Natavarlal Takabhai Solanki,
Postal Assistant (Rtd.),
Ahmedabad G.P.O., Ahmedabad – 380 001.
Residing at: C-1, Salibh Apartments,
Nehru Park Society,
Lad Society Road, Vastrapur,
Ahmedabad-380 015. ... Applicant

By Advocate Shri A D Vankar for all applicants in all OAs.

V/s

The Union of India & Others
Notice to be served through

- 1) Secretary to the Govt. of India,
Ministry of Communication & I.T., Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.
- 2) Chief Postmaster General, Gujarat Circle, Khanpur,
Ahmedabad – 380 001.
- 3) Postmaster General, Ahmedabad H.Q. Region,
Speed Post Complex, Shahibag, Ahmedabad – 380 004.
- 4) Chief Postmaster, Ahmedabad G.P.O.,
Ahmedabad – 380 001. ... Respondents

By Advocat Ms R R Patel for all respondents in all OAs.

COMMON ORDER (ORAL)

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

1. Pleadings in all above noted six OAs are complete and the next stage thus would be is of admission 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.
2. Learned counsel, Shri A.D.Vankar Advocate, appearing for applicant of all said OAs fairly submits that each applicant of this batch of OA did prefer representation for redressing of his grievance but representation of each applicant was dismissed by respondents and they were denied the benefits of MACP, observing that post of Postal Assistant is a promotional post for the post of Postman. He urges that applicants by filing separate

OA has impugned that order of rejection passed by respondents. He also submits that recently in batch matters of 52 OAs The Division Bench of this Tribunal has passed final Order on 17.09.2019 and has 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 up gradation.

3. Learned counsel urged further that same Order could be passed in this set of six OAs but the only impediment is that subject of MACP falls within the domain of Division Bench and at present there is no regular Division Bench at Ahmedabad so he is not making request for adjudication & quashing of the impugned order but merely is making the request to allow him to make fresh request to respondents, claiming parity with applicants of above said batch matter of 52 OAs, to recall the impugned order of instant OAs and to pass fresh order as per the decision passed in OA No.93/2019 as and when it attains finality. He added that applicants, if would be allowed, would prefer the representation within two weeks and would pray the Tribunal to allow the withdrawal of this set OAs at this stage, with liberty to applicant to re- agitate the matter again, in case the final outcome of the decision on their representation comes against the applicants, by filing fresh OA or by getting revived the present OAs.

4. Learned counsel Ms.R.R.Patel Advocate, appearing for respondents submits that it is true that Division Bench of this Tribunal vide decision dated 17.09.2019 has held that post of Post Assistant is not a promotional post of Postman but respondent department intend to prefer Writ Petition to challenge said decision and though Writ Petition has not been preferred till now but the file is under process, so as and when the decision dated 17.09.2019, passed in batch matters of 52 OAs would attain finality, the respondent may consider the case of present applicant also in view of the final outcome of said Order/ Decision.
5. Considered the submissions. In decision dated 17.09.2019, passed in case titled ***Natvarbhai S. Makwana v/s. Union of India*** in OA No. 93/2019 & batch Division Bench of this Tribunal has held that post of Postal Assistant is not a promotional post for the post of Postman and while holding so did direct the respondents to place the claim of those applicants 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.
6. Taking note of submissions made at Bar withdrawal of all these six OAs is allowed, with liberty to applicant of each said OA to prefer representation, as has been prayed above, and with direction to respondents that in case applicants did prefer the representation, within two week, the respondents shall consider the same and to pass a fresh order as per the

decision in OA No.93/2019, if it is not challenged and attains finality in its present form or if it is challenged, as per observation/ finding qua the issue “*whether the post of Postal Assistant is a promotional post or not for the post of Postman*” set at rest in SCA/ Writ/ SLP arising from decision in OA No.93/2019, as the case may be. Said exercise of passing pass fresh order on the representation of applicants of this set of six OAs shall be completed simultaneously with the case of applicant of OA No. 93/2019 & batch.

7. Needless to say that order so passed on their representation shall be communicated to the applicants and in case the final outcome of decision by respondent comes against the applicants, they, if wish or is advised so, may file fresh OA or MA for getting revived the present OAs. The withdrawal of instant OAs, allowed today, would not affect the fate of fresh OA or MA for getting revived the present OA, , if is filed and same may be dealt with as per its own merits.
8. In result all the six OAs, with ibid stated observation and direction stand disposed of as withdrawn. Pending MA, of each OA also stand disposed of.

(M.C. VERMA)
MEMBER (J)

SKV

