

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00897/2019

DATED THIS THE 13th DAY OF AUGUST, 2019

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

MB.Madiwalar
S/o Banappa,
Age 59 years
Working as Post man,
at Naregal SO,Gadag Dn
r/o Kadadi 582102

(By Advocate Shri P.Kamalesan)

vs.

1. Union of India,
Represented by Director General,
Department of Post,
Dak Bhavan,
New Delhi – 110001.

2. Postmaster General,
NK Region,
Dharwad 580001.

3. Superintendent of Post Offices,
Gadag Division,
Gadag 582201.

4. Chief Post Master General,
Karnataka Circle,
Bangalore 560 001

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. The matter seems to be covered by an order of the Hon'ble Apex Court in SLP (c)No.13042/2014 which we quote:-

“ ITEM NO.13 COURT NO.1 SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 13042/2014

(Arising out of impugned final judgment and order dated 03-01-2014 in WPC No. 28905/2011 passed by the High Court Of Orissa At Cuttack)

UNION OF INDIA & ORS.

Petitioners

VERSUS

GANDIBA BEHERA

Respondent

WITH

C.A. No. 8979/2014 (XII)
SLP(C) No. 979/2015 (XII)
C.A. No. 9886/2014 (XII)
C.A. No. 8674/2015 (XII)
S.L.P.(C)...CC No. 20557-20558/2015 (XII)
C.A. No. 2825/2016 (XII)

*C.A. No. 5008/2016 (XVI)
SLP(C) No. 16767/2016 (XVI)
(I.A. NO. 117124/2017-CLARIFICATION/DIRECTION)
C.A. No. 8379/2016 (XVI)
C.A. No. 10355/2016 (IV-A)
C.A. No. 10801/2016 (XVI)
Diary No(s). 13464/2018 (XII)
(IA No.55727/2018-CONDONATION OF DELAY IN FILING)
SLP(C) No. 16615/2018 (XVI)*

Date : 23-10-2018 This matter was called on for hearing today.

*CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL*

For Petitioners

*Mr. Atmaram N.S. Nadkarni, ASG
Mr. Vikramjit Banerjee, ASG
Mr. Merusagar Samantray, Adv.
Mr. Shankar Divate, Adv.
Mr. Leelesh Krishna, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Arvind Kumar Sharma, AOR
Mrs. Anil Katiyar, AOR*

For Respondent

*Mr. Yasobant Das, Sr. Adv.
Mr. Mukesh K. Giri, Adv.
Mr. Ankit Khera, Adv.
Mr. Jitendra Mohapatra, Adv.
Mr. M.A. Aleemmajid, Adv.
Mr. Kedar Nath Tripathy, AOR*

*Mr. N. Swaminathan, Adv.
Mr. V.N. Raghupathy, AOR*

Mr. K.S. Lathar, Adv.

Mr. Sandiv Kalia, Adv.

Ms. Reena Rao, Adv.

Mr. Nand Ram, Adv.

Dr. Sushil Balwada, AOR

Mr. Beno Bencigar, Adv.

Mr. Sanjay Kumar Visen, AOR

Mrs. K. Sarada Devi, AOR

Mr. I.V. Kasyap, Adv.

Mr. Amarjeet Singh Dheman, Adv.

Mr. P.R. Kovilan, Adv.

Ms. Jubli Momalia, Adv.

Mrs. Geetha Kovilan, AOR

Mr. Vijay Prakash, Adv.

Mr. Abid Ali Beeran P, AOR

Mr. S.K. Sinha, AOR

Mr. Rattan Lal, Adv.

Mr. R.S. Singh, Adv.

Ms. Seema Kashyap, Adv.

Mr. S.R. Setia, AOR

UPON hearing the counsel the Court made the following

ORDER

In the Compilation of Judgments filed on behalf of the respondents, there is an order of the High Court of Karnataka, Circuit Bench at Gulbarga, dated 17.6.2011 and also an order of the Central Administrative Tribunal, Principal Bench, dated 17.11.2016. In the order

dated 17.11.2016 passed by the Central Administrative Tribunal, Principal Bench, while dealing with a similar matter, the learned Tribunal had issued the following directions:-

- “(a) For all Gramin Dak Sevaks, who have been absorbed as regular Group ‘D’ staff, the period spent as Gramin Dak Sevak will be counted in toto for the purpose of pensionary benefits.*
- (b) Pension will be granted under the provisions of CCS (Pension) Rules, 1972 to all Gramin Dak Sevaks, who retire as Gramin Dak Sevak without absorption as regular Group ‘D’ staff, but the period to be counted for the purpose of pension will be 5/8th of the period spent as Gramin Dak Sevak. Rule 6 will accordingly be amended.*
- (c) The Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 are held to be valid except Rule 6, as stated above.*
- (d) The claim of Gramin Dak Sevaks for parity with regular employees regarding pay and allowances and other benefits available to regular employees, stands rejected.”*

Before proceeding any further, we would like to be apprised by Mr. Atmaram N.S. Nadkarni, learned Additional Solicitor General of India as to whether the orders of the Karnataka High Court and the Central Administrative Tribunal, referred to above, have been subjected to challenge by the Union of India before the appropriate forum and if so, the consequences thereof.

Mr. Nadkarni is also requested to inform the Court as to whether in the absence of any challenge, the directions issued, particularly those by the Central Administrative Tribunal by its order dated 17.11.2016, have been implemented by the Union of India.

Let the matter be listed after four weeks, by which time the information shall be furnished before this Court.

*(Deepak Guglani)
Court Master*

*(Asha Soni)
Assistant Registrar”*

2. It appears that the issue has not been challenged. Therefore, on the basis of the Hon'ble Apex Court order, appropriate orders in compliance may be issued. OA is allowed subject to the result of the SLP now apparently pending. No costs.

*(CV.SANKAR)
MEMBER (A)*

*(DR. K.B. SURESH)
MEMBER (J)*

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Annexures referred to by the Applicant in OA No.897/2019

Annexure A1 : Copy of letter dated 19.1.1979

Annexure A2 : Copy of letter dated 8.7.2013

Annexure A3 :Copy of representation of applicant Dtd. 10.7.18

Annexure A4 : Copy of letter Dtd. 13.7.2018

Annexure A5 : Copy of Hon'ble Apex Court order in Civil Appeal No. 1172/1354-1355/1751/1972 dated 22.04.1977

Annexure A6:Copy of the Central Administrative Tribunal, New Delhi order in OA No. 749/2015

Annexure A7 :Copy of the Hon'ble Central Administrative Tribunal order in OA No. 374/2017 dated 25.10.2018

Annexure A8 : Copy of the Hon'ble High Court of Karnataka order in WP No. 81669/2011.

Annexure A9 : Copy of the notification dated 22.12.2003

Annexure A10 : Copy of the Rule 2 (h) of CCS (CCA) Rules, 1965