

ITEM NO.5

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s).17/2009

VINOD KUMAR SAXENA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln. (s) for intervention and office report)
(For Final Disposal)

WITH

W.P.(C) No. 468/2009
(With Office Report)
W.P.(C) No. 37/2011
(With Office Report)
W.P.(C) No. 813/2013
(With Office Report)

Date : 09/12/2014 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Mukesh K. Giri, Adv.
Ms. Mohini Giri, Adv.

For Respondent(s) Mr. J.S. Attri, Sr. Adv.
Mr. Sumeet P., Adv.
Ms. Rekha Pandey, Adv.
Mr. Asit Tiwari, Adv.
Mr. V. Sekhar, Adv.
Mr. D.S. Mahra, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Mohan Pandey, Adv.

Mr. M.R. Calla, Sr. Adv.
Mr. Uday Gupta, Adv.

For Respondent(s) Ms. Pratiksha Sharma, Adv.
Mr. Gaurav Dave, Adv.

UPON hearing the counsel the Court made the following
O R D E R

On 2.12.2013, this Court had passed the following order :

"It is submitted by Mr. Mukesh K. Giri, learned counsel appearing for the petitioners that the Union of India has framed a set of rules called Department of Posts Multi Tasking Staff Recruitment Rules, 2010, by which the Department of Posts (Group 'D' posts) Recruitment Rules, 2002, has been superseded. He has drawn our attention to the part of the Rule which states as follows :

'Gramin Dak Sevaks are holders of civil posts but they are outside the regular civil service due to which their appointment will be by direct recruitment.'

It is submitted by him that in view of the aforesaid declaration under the Rules, the petitioners can agitate their other grievances before the Central Administrative Tribunal.

Mr. J.S. Attri, learned senior counsel appearing for the Union of India, shall obtain instructions in the matter.

List the writ petitions along with I.A. No.1 filed by National Federation of Postal Employees in W.P.(C) No.17 of 2009, next Tuesday (09.12.2014)."

Mr. Attri, learned counsel appearing for Union of India has fairly stated that the petitioners hold civil posts and under the law and, therefore, their grievance can be mitigated before the Central Administrative Tribunal. Learned counsel further stated that in view of the amended rules, that is the legal position and we are inclined to think, the submission is absolutely in consonance with law and accordingly, we accept it.

In view of the aforesaid analysis, the writ petitioners are treated as civil post holders and, therefore, they can agitate their grievances, what they have put forth in this writ petition, before the Central Administrative Tribunal, Principal Bench, New

Delhi and the tribunal shall advert to the same in their proper perspective.

Mr. Mukesh Giri, learned counsel for the petitioners, submitted that he will present the application before the Central Administrative Tribunal within six weeks from today. If such application is filed, the tribunal would be well advised to decide the same in accordance with law within a period of six months.

The writ petitions are accordingly disposed of.

IA No.1 - Application for intervention

We are of the considered opinion, in the present case, the assertions made in the intervention application should not be adverted to. It is open to the Association/Federation to seek its own relief in accordance with law.

Needless to say, if any Association/Federation has any grievance pertaining to the grievances of the employees after the 2002 rules have come into force, has to approach the Tribunal as laid down by the larger Bench in L. Chandra Kumar vs. Union of India & Ors. [(1997) 3 SCC 261].

I.A. is accordingly disposed of.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master