

File No. X-18/12/2024-SPN-II
Government of India
Ministry of Communications
Department of Posts
(Personnel Division)

Dak Bhawan, New Sansad Marg,
New Delhi – 110001
Dated 20-01-2025

To,
All Heads of Circles,

Subject: Previous orders/judgements of Hon'ble Tribunal/High Court/Supreme Court of India given in the favour of Department filed by Reserved Trained Pool personnel for counting of their RTP service before their regular appointment as Postal Assistant/Sorting Assistant, for purpose of various service matter.

Sir/Madam,

I am directed to say that vide letter of even number dated 18.11.2024, Directorate has circulated various orders/judgement of Hon'ble Supreme Court/High Court/Tribunal given the favor of Department on the claim of Reserved Trained Pool personnel for counting of their RTP service before their regular appointment as Postal Assistant/Sorting Assistant, for purpose of various service matter.

2. Now, some others important judgements of Hon'ble Supreme Court/High Court/Tribunal has been found which is very crucial and given in the favour of Department. These judgements are hereby again circulated as Annexure-I through India Post website to all Postal Circles for reference. These orders may be downloaded from respective website of Tribunal/Courts also.

3. Apart from general rules/guidelines, referring of previous judgments/order at the initial stage are very vital step to get judgement in the favour of Department. If the points raised by the applicant is not challenged with supporting documents elaborating the adverse effect in clear terms, it becomes very difficult to get a favorable order.

4. Accordingly, all Circles are requested to defend the cases filed by RTP personnel based on the policy of RTP and above-mentioned judgements and any other judgement, if any, relevant to the cases.

5. If cases are pending at CAT/High Court/Supreme Court level and reply has already been filed, **filing of additional affidavit may be considered based on these orders/judgements**. Circle may also consider, in case, judgement given in the favour of RTP personnel, for filing of Review Petition.

This may be treated as MOST URGENT.

Yours faithfully,

Encl: As above

Digitally signed by
VINAYAK MISHRA
Date: 20-01-2025
08:54:58
(Vinayak Mishra)
Director (SPN)

Copy to: GM, CEPT with request to upload this order at India Post website for information of all Postal Circles.

Annexure-I

RESERVE TRAINED POOL SCHEME: Department vide letter no. 60/36/80-SPB-II dated 30.10.1980 had introduced RTP scheme for Postal Assistant and Sorting Assistant in Postal and RMS Divisions with a view to ensure smooth flow of work in operative offices, which at times was hampered due to absence and other causes and meeting with staff shortage with overtime arrangement was not found to be a satisfactory solution. As per this scheme, at the time recruitment in each recruiting unit, after the main select list for the number of available vacancies is drawn up, a specific additional reserve list of candidates equal in number to fifty percent of the number of candidates in the main select list was to be drawn up. The candidates in the reserve list were also imparted the requisite training like the candidates in the main list. Thus, the candidates in the reserve list constituted a standing pool of trained reserve, who were to be eventually absorbed as regular employees as and when vacancies arise. Till such time as they were given regular appointment, their services were to be used as short duty staff against vacancies due to absence or other reasons and also for handling peak hour traffic. They were to be employed for a maximum of eight hours per day. It was laid down in the said Scheme that since the Reserve Trained Pool (RTP) candidates were recruited as a stand – by over and above the vacancies announced at the time of recruitment, these surplus recruited candidates were to be given priority of absorption against vacancies for subsequent recruitment. This scheme was discontinued vide letter no. 60-31/81-SPB-I dated 4.03.1986.

Thus, RTP Scheme did not envisage any right for counting of RTP service rendered prior to regular appointment, for any purpose. As per the Scheme, the constitution of standing pool of trained reserve candidates was made to meet the emergent needs of manpower in Post Offices and RMS Office, for ensuring smooth flow of work in operative offices.

The Scheme did not provide for automatic absorption of reserve list candidates into Department but provided absorption of reserve list candidates into the Department in future vacancies as regular employees in the manner set out in the scheme. RTP candidates were much aware of the fact that they were not regular appointees and they would be paid wages on hourly basis only.

2. Previous judgements/order given by Hon'ble Tribunals/High Courts/Supreme Court of India in the RTP matter:

(i) Order dated 29.11.1989 of Hon'ble Supreme Court of India in the case of Jagrit Mazdoor Union & Ors. Vs. Mahanagar Telephone Nigam Ltd. (1989 SCR Supl. (2) 329 1990 SCC Supl. 113): two writ petitions related to RTP officials wherein the applicants demanded to be placed at par with regular, permanent or temporary employees in the matter of service conditions and the Hon'ble Supreme Court of India directed to complete the process of absorption by 31.03.1990 further stating that all their claims would be regulated on the basis of entitlement in accordance with extant rules.

(ii) Hon'ble Apex Court judgment dated 01.08.1997 in Civil Appeal No. 5268/97 (SLP (C) No. 17422/95) CA No. 126/96, 124-125/96, 127-130/96 & 131/96-[case of Shri K.N. Sivadas & Ors filed for counting of RTP service for departmental examination]: Hon'ble Apex Court had passed the order that any service rendered by RTP personnel prior to their regular appointment in the cadre cannot count for the purpose of the said rule because it cannot be considered as service in any eligible cadre.

(iii) Common order dated 30.09.1999 of Hon'ble Ernakulam Bench in OA No. OA No. 1178/1996 and 34 others: Applicants had claimed to revise the seniority of the applicants with reference to their initial date of appointment as RTP. CAT, Ernakulam Bench vide its order dated 30.09.1999 had dismissed the case.

(iv) Order dated 02.03.2000 of Hyderabad CAT in CP No. 135/99 in OA No. 795 of 1997: Applicants in this case had claimed they are eligible for the reliefs allowed in order dated 30.05.1994 in OA No. 1813/93 and order dated 08.02.1996 in OA No. 1410/95 filed in Hon'ble CAT Ernakulam Bench. Hon'ble CAT closed the Contempt Petition filed by the applicants in favour of the Department relying on order dated 01.08.1997 of Hon'ble Supreme Court of India.

(v) Order dated 10.04.2006 of Hon'ble Supreme Court of India in Appeal (civil) No. 3595-3612 of 1999: Hon'ble Supreme Court modified High Court's order directing the applicants be paid salary equal to the salary and allowances that are being paid to the regular employees of their cadre in government service, with effect from the dates from which they were respectively engaged or appointed. Hon'ble Supreme Court further stated that they are only daily wage earners, there would be no question of other allowances being paid to them.

(vi) Order dated 01.12.2010 Hon'ble Supreme Court in CA.No.1783/2005 UOI & Ors vs. A. Durairaj: Hon'ble Supreme Court stated that where a claim is raised beyond a decade or two from the date of course of action, the employer will be at a great disadvantage to effectively contest or counter the claim, as the officer who dealt with the matter and /or the relevant records relating to the matter may

no longer will be available. Therefore, even if no period of limitation is prescribed, any belated challenge would be liable to be dismissed on the ground of delay and laches.

(vii) Order dated 28.02.2012 of Hon'ble High Court of Patna in Civil Writ Case No. 5265 of 2011 in the matter of Bipin Bihari Dutta Vs. Union of India: Applicant had demanded to count the service rendered as RTP towards regular service in a substantive post. High Court relied upon the judgment of Hon'ble Supreme Court in the matter of K N Sivadas [(1997) 7 SCC 30] and rejected the claim of RTP personnel.

(viii) Order dated 24.07.2018 of Hon'ble Orissa High Court in WP No. 7015/2017: Hon'ble High Court of Orissa rejected the claim of the employees on the grounds of delay and laches alone.

(ix) Order dated 24.01.2023 of Hon'ble High Court of Madras Bench in WP No. 13633/2020 and 1540,289 & 188/2021 and WP No. 16929/2020, 1743,258 & 361/2021: Applicants in this case had sought that their service as RTP should be counted for fixation of seniority/ financial upgradation. Hon'ble High Court had dismissed the case.

(x) Order dated 22.03.2024 of Hon'ble CAT, Ernakulam Bench in OA No. 482/2018 and 12 other connected cases.: Applicants had claimed the regularization of service rendered as RTP for all service and other consequential benefits. Hon'ble CAT has denied benefits to RTP officials on the grounds of merits as well as on delay and laches.

(xi) Order dated 30.04.2024 of Cuttack Bench in OA No. 260/316-260/514 of 2020: Applicants sought relief to extend the benefits of regularization of RTP period for the purpose of increment, TBOP & MACP. Hon'ble CAT has denied benefits to RTP officials on the grounds of merits as well as on delay and laches.

(xii) Order dated 04.11.2024 of Hon'ble High Court of Madras Bench in WP No. 1373/2021 and WMP No. 1545/2021: Applicants in this case had sought for relief for regularization of RTP service/fixation of seniority and pay and allowances. Hon'ble High Court has dismissed their demands.
