

F. 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 19th May, 2026

To
All Heads of Circles,

Subject: Previous orders/judgements of Hon'ble CAT/High Court/Supreme Court given in favour of the Department in cases filed by Reserved Trained Pool personnel for counting of their RTP service -reg.

Sir/Madam,

It is informed that Directorate vide letter No. X-18/12/2024-SPN-II dated 18.11.2024, 20.01.2025, 20.06.2025, 07.04.2026 and 22.04.2026 has circulated the available previous judgment of Hon'ble Supreme Court/High Court/Tribunal given in favour of the Department with request to contest/defend the cases filed by the RTP personnel.

2. Recently Hon'ble CAT, Cuttack Bench vide order dated 09.04.2026 has dismissed OA No. 275/2025 in favour of the Department for regularisation of service rendered during the RTP period for the purpose of granting financial upgradation under the TBOP and MACP Schemes. Relevant part of the order is produced below:

11. Since the factual matrix of the present OA is similar, to the decision of Hon'ble High Court of Madras and the decision rendered by this Tribunal in OA No- 535/2019, we do not find any merit in changing the stand taken in them. Accordingly, the OA is dismissed being barred by limitation. No costs

3. The Tribunal examined the matter and observed that the applicant had approached the Tribunal after nearly three decades from the date of regular appointment and only after favourable judgments in certain RTP-related cases were implemented elsewhere. The Tribunal noted that stale claims cannot be revived merely by submitting representations after long delay. Further, while deciding the matter, the Hon'ble Tribunal relied heavily upon the judgment of Hon'ble Madras High Court in *Union of India & Ors. vs. G. Rajarathinam* and related cases.

4. The Tribunal also referred to its earlier decision in OA No. 535/2019 wherein similar RTP-related claims were rejected on grounds of limitation and delay, observing that settled service matters should not be reopened after several decades as it may adversely affect promotional structures and rights of other employees.

5. The Hon'ble CAT held that the present OA was squarely covered by the aforesaid judgments and that the applicant's claim suffered from gross delay and limitation. Accordingly, the OA was dismissed as barred by limitation, without any order as to costs.

6. In view of the above, all Circles are requested to include the judgement dated 09.04.2026 of Hon'ble CAT, Cuttack Bench in OA No. 275/2025 with above facts along with previously circulated judgements in the counter replies filed in RTP cases and defend the cases effectively.

7. This may be treated as MOST URGENT.

Digitally signed by Yours sincerely,
Vinod Kumar
Date: 19-05-2026
15:31:51
(Vinod Kumar)
Assistant Director General (SPN)

Encl: As above.

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



O.A. 275 OF 2025

1

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 275 OF 2025

Reserved on :08.04.2026 Pronounced on :09.04.2026

**Coram : Hon'ble Mr. Sudhi Ranjan Mishra, Member (J)
Hon'ble Mr. Pramod Kumar Das, Member (A)**

1. Sri Chandan Kumar Behera, aged about 65 years, Retired LSG Supervisor, HRO RMS N Division, Cuttack 753003, S/o Late Madhusudan Behera, Markandeswar Sahi, Mishra Lane, Puri 752001.
.....Applicant

VERSUS

1. Union of India Ministry of Communication, represented through its Secretary, Dept. of Posts, Dak Bhawan, Sansad Marg, New Delhi 110001.
2. Chief Postmaster General, Odisha Circle, Bhubaneswar, Dist Khurda 751001.
3. The Director of Postal Services (Hqrs), O/o Chief PMG, Odisha Circle, Bhubaneswar, Dist Khurda 751001.
4. The Senior Superintendent, RMS N Division, Cuttack 753003.

.....Respondents

For the applicant : Mr. S B Jena, counsel

For the respondents: Mr. B R Swain, counsel

O R D E R

Hon'ble Mr.Sudhi Ranjan Mishra, J.M.

The applicant challenging the order dated 15.01.2025 rejecting his claim to extend the similar benefit granted to similarly situated other set of employees has filed this OA praying for following reliefs:

- a) To allow the original application and
- b) To count the induction training period of 154 days for the purpose of financial upgradations under TBOP/BCR and MACP scheme and be antedated at par with others antedated, as the applicant has enclosed all the records/orders in this OA without any false datas.
- c) To count the RTP service periods rendered as regular service from the date of induction training period i.e. from 22.06.193 to 12.01.1987 or from 09/1983 to 12.01.1987 instead of 13.01.1987 and to count for the purpose of seniority, increment, financial upgradation under TBOP/BCR and MACP scheme and for all the consequential benefits including pension.
- d) To quash the arbitrary speaking order issued on 15.01.2025 passed by the Resp. No. 4 after a period of 9 months when CP No. 85/2024 was filed and non est. And
- e) This Hon'ble Tribunal may kindly be pleased to pass any other order/orders, direction/directions as would deem fit and proper.

2. The brief facts of the case as inter alia averred by the applicant in the OA is that he was selected in a T.S. SA Cadre

in RMS N Dn Cuttack as per SSRM N Dn letter dated 02.11.1980 and then was sent for theoretical training at PTC Dharbanga for 75 days as per letter dated 22.06.1983 and completed the said induction training on 09.09.1983 as per letter dated 09.09.83. It is submitted that applicant was ordered by the SSRM N Dn Cuttack to take Practical Training at SRO N Dn Khurda Road and joined there as RTP. It is submitted that vide order dated 19.01.85 the applicant was kept attached with Puri Postal Division to work as RTP. It is submitted that vide order dated 23.07.1985 he was ordered to report to PTC, Dharbanga Central to take induction training being surplus RMS Sorting Asst. to Postal Branch respective theoretical training from 23.07.85 to 20.08.85 and returned to Puri Postal Division on successful completion of 35 days training and was relieved from PTC on 26.08.1985. It is submitted that applicant was re-allotted vide SSPOs Puri DN letter dtd 03.12.1985 being the surplus RTP candidate for absorption against the declared vacancies with Cuttack City Division. It is submitted that he was working under Cuttack City Division from December, 1985 and was regularized from

13.01.1987. It is submitted that applicant was granted 1st financial upgradation under TBOP scheme from 16.10.2004 and 2nd financial upgradation under MACP w.e.f 04.10.2009 and 3rd financial upgradation under MACP scheme w.e.f. 09.03.2017 and promoted to LSG (RMS) cadre vide order dated 12.12.2018 and retired on 31.05.2020. It is submitted that the applicant had taken his induction training prior to the year 1986 both in SA and PA cadres but the said period of 90 days for RMS and 64 days for PA cadre totaling 154 days have not been counted for the purpose of grant of financial upgradation under TBOP/BCR Scheme or in MACP scheme which violates to DTE orders dtd. 05.05.2016, 07.02.2018, 07.06.2019, 05.11.2020, 30.03.2021, DOP & PW order dated 02.10.2022 and DOP clarification order dtd. 24.04.2023 which is causing him financial loss including his pensionary benefits. It is submitted that the said benefits has not been given inspite of many judgments pronounced by Hon'ble CAT Benches of Madras, Jabalpur, Punjab and Haryana, Telengana, Mumbai, Principal Bench, New Delhi and upheld by Hon'ble Supreme Court of India in the year 2014 and 2016 respectively and

through SLP (C) dated 05.02.2024 in diary No. 1868/2024 in case of Union of India & ors vs. V Ravikrishna & others and in the matter of UOI & Ors vrs Rakesh Pal Singh & ors. It is submitted that applicant had submitted representation dated 05.08.2019, 11.05.2020 and 20.10.2023 but no action was taken and he submitted representation dated 20.10.2023 and approached this Tribunal in OA No. 168/2024 which was disposed of vide order dated 01.04.2024 directing the respondents to dispose of his representation. It is submitted that after a lapse of 9 months the respondents rejected his representation vide order dated 15.01.2025. Hence the OA.

3. The respondents have filed counter inter alia averring that as per Postal Directorate letter dated 12.04.2012, the service rendered under RTP scheme by the personnel prior to their regular appointment as PA/SA cannot be counted for promotion, seniority and grant of MACP. It is submitted that vide order dated 17.02.2025 that the RTP scheme was in operation from 1980 to 1986 and have enclosed previous orders judgments in favour of the department. It is submitted that dated 18.11.2020 the official will require to give an undertaking

that he/she had actually undertaken Induction Training prior to 01.01.1986 and if any official raises objection towards number of days of induction training, he/she may be asked to submit the documentary proof for the same. It is submitted that applicant vide letter dated 02.12.2020 was asked to submit one undertaking that he had actually undertaken the induction training prior to 01.01.1986 but he did not submit the same or any supporting documents to the same. It is submitted that documents enclosed as Annexure A/1 to A/6 were not found by the respondents. Hence they prayed for dismissal of the OA.

4. The applicant has filed rejoinder reiterating the stand taken by him in the OA and averring that the respondents never followed the orders of the Postal Directorate though the applicant represented to Respondent No. 2 on 05.08.2019 and 11.05.2020 while in service and then on 20.10.2023 after retirement as well. It is submitted that the applicant had submitted all the requisites with his representations and the order dated 21.02.2020 was never communicated to him as that was issued in HRO address but not the applicant in his

permanent address and the HRO has not handed over the said letter to the applicant. It is submitted that applicant has submitted all the Xerox copies for the reference of the respondents. It is submitted that respondents have issued order dated 16.07.2025 wherein they have stated that the respondents have decided to implement the order in OA No. 3466/2019 filed by Rakesh Pal Singh & Ors vs UOI & ors subject to availability of record or production of records by applicants pertaining to their services under RTP period and the same has been implemented in the case of Pramod Kumar Rai & Anil Kumar Pandey. He prayed that OA be disposed of with liberty to applicant to file all relevant documents and direction to the respondents to consider the same.

5. The respondents during course of argument reiterated their stand taken in counter and relying on decision of Hon'ble Supreme Court in Civil Writ Jurisdiction Case No. 5265 of 2011, decision of CAT, Patna Bench in OA No. 653 of 2004 and of this Tribunal in OA No. 535/2019.

6. Heard both sides and perused the records.

7. The applicant is claiming antedating his regularization taking into his period of service RTP . The applicant first raised the matter vide his representation dated 05.08.2019, 11.05.2020 and 20.10.2023, i.e. after close to three decades, after decision rendered by Hon'ble High Court of AP & Telengana was implemented by the respondents wherein they have indicated that the implementation is case specific. The decision of CAT, Mumbai Bench was rendered in the year 2010 and of CAT Hyderabad bench in 2015. The applicant did not agitate the same back then. Further the respondents had also sent letter dated 21.02.2020 asking him to submit all the relevant documents but the applicant never submitted the same.

9. In a similar matter for regularization of RTP period, Hon'ble High Court of Madras in Writ Petition No. 1373/2021 (Union of India & ors vrs G. Rajarthinam) taking into account the decision of CAT, Ernakulam Bench (relied by the applicant had observed as follows):

14. Again, this Court in State of Uttaranchal and Another Vs. Shiv Charan Singh Bhandari and Others, (2013) 12 SCC 179 had occasion to consider question of delay in challenging the

promotion. The Court further held that representations relating to a stale claim or dead grievance does not give rise to a fresh following was laid down:-

"19. From the aforesaid authorities it is clear as crystal that even if the court or Tribunal directs for consideration of representations relating to a stale claim or dead grievance it does not give rise to a fresh cause of action. The dead cause of action cannot rise like a phoenix.

Similarly, a mere submission of representation to the competent authority does not arrest time." This phrase that a dead cause of action cannot "rise like a phoenix " is very much applicable to the present facts of the case. In fact, as pointed out by the counsel for the petitioners such decisions without giving thought to the financial implications and practicality would only put the entire machinery of the petitioners under huge stress. There is also a possibility of such decisions being taken up by other departments and even by casual labourers and it would just be an endless stream of representations and litigations. The financial implications could be very stressful for an organisation like the petitioners' and merely because it is wholly owned by the Government of India does not entail implementations of such huge avoidable expenditure merely to comply with the directions of the Tribunal. The direction of the Tribunal to work out backwards from 1984 and implement such an exercise that when number of RTP was practically only a reserved list consisting of 50% of the main vacancies defies any logic. The primary object of the RTP was intended only to reduce the expenditure on overtime and also ensure smooth flow of work even in the exigency of absenteeism. But the impugned decisions of Central Administrative Tribunal, Chennai Bench would defeat the very purpose and concept of RTP. The respondents were not recruited as regular Postal Assistants and their appointment dates cannot be taken for calculating their service for any benefit. The only difference between the candidates under RTP and casual labourers was the assurance of regularisation. Having got an advantageous start in the beginning of their career, it appears that their demand for considering their service for all purposes including TBOP from the date of their initial appointment shows only the greed in them. As already elaborated the ban on recruitment was not the decision of the petitioners and the demands of the respondents smacks of unreasonableness. Again as rightly pointed out by the learned Additional Solicitor General, the Government of India's exchequer cannot be allowed to bleed to meet out such illogical demands and therefore, the orders of the Central Administrative Tribunal, Chennai Bench, are unacceptable and without any rationale. In this context, it

is also pertinent to point out that the orders of the Central Administrative Tribunal, Ernakulam Bench in O.A.No.1410/1995 was set aside by Hon'ble Supreme Court in C.A.No.80- 123/1996 wherein it was held that "Any service which was rendered prior to regular appointment in the cadre, cannot count for the purpose of this rule because it cannot be considered as service in any eligible cadre. The Tribunal was, therefore, wrong in granting to RTPs the benefit of service rendered by them prior to their regular appointment, for the purpose of their eligibility to appear for the departmental promotion examination."

12. In view of the forgoing decision, it could be easily concluded that the decisions in all the OAs have been arrived at by the decision of Central Administrative Tribunal, Ernakulam Bench which was confirmed later by Kerala High Court. All the orders of Central Administrative Tribunal, Chennai, suffer from lack of application of mind on their part as they have not gone into merits and demerits of such an unprecedented decision. The delay of more than 3 decades would have resulted in many retirements on superannuation amongst the respondents and such a massive exercise of searching the records and arriving at even the minute details like break in service etc. is just next to impossible that too when the demands of the respondents are totally unethical and unreasonable.

13. In the result, all the Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed. The orders of the Central Administrative Tribunal, Chennai Bench, passed in O.A.No.1149 of 2014 dated 27.06.2019, O.A.No.1691 of 2016 dated 20.08.2019, O.A.No.1240 of 2014 dated 27.06.2019 and O.A.No.1148 of 2014 dated 12.07.2019, are set aside."

13. Since the facts of the present case is similar and the legal issues were elaborately considered by the coordinate bench of this Court, we have no other reason to take a different view. Consequently the impugned order passed by the Central Administrative Tribunal in O.A.No.32 of 2016 dated 30.08.2018 is set aside.

10. This Tribunal in similar matter in OA No. 535/2019 while dismissing the OA on the point of limitation had held:

17. Trite is the position of law that the court cannot grant an exemption from limitation on equitable consideration or on the ground of hardship. The court has time and again repeated that when mandatory provision is not complied with and delay is not properly, satisfactorily and convincingly explained, it ought not to condone the delay on sympathetic grounds alone.

18. From the above, it will be crystal clear that after the decision in the case of K.C.Sharma (supra) relied on by the applicant, the Hon'ble Apex Court was harsh in so far as limitation is concerned. Therefore, this decision is of no help to the case of the applicant. The decision of the Hon'ble High Court of Orissa in W.P.(C) No. 715/2017 and others, relied on by the respondents, has fullest application in the present case because it was the conscious view of the Hon'ble High Court of Orissa that the applicant therein never claimed the benefit when cause of action arose and they had approached the Tribunal only when other employees who approached the court of law at the right time got the relief. Hence, the Hon'ble High Court of Orissa quashed the order of this Tribunal by holding that the applicant therein slept over the matter for years together and they can safely be treated as fence sitter as in the present case.

19. Equally, it is well settled principle of law that a settled thing should not be unsettled after a long lapse of time. Further, it is well settled law that the persons, who shall be affected in case relief is granted to an applicant must be arraigned as party to the litigation. In the present case, the applicants were appointed as PA during the year 1986. They woke from the slumber by making representation in 2018, i.e. after a lapse of more than three decades, praying inter alia for their regularization of their services from the date of their initial enrollment as RTP for granting the financial upgradation under TBOP and MACP on the analogy that the RTP employee, who were not regularized approached the various Tribunals wherein orders were passed to regularize them retrospectively. But, no explanation is forthcoming for not being vigilant if at all they had acquired an indefeasible right to be regularized from the date when they were inducted as RTP starting from the day they were appointed as PA in 1986. Therefore, allowing the benefit by condoning the delay would tantamount to unsettling a settled matter after about three decades. Further, direction of retrospective regularization at this stage would have much more adverse repercussion/affect and it may so lead to upsetting the promotional effects etc. affecting the rights of the others, who are not before this Tribunal. Hence, taking into consideration the entire aspect of the matter, this Tribunal is well convinced that this is a

matter where no leniency can be shown to the applicants. On examination, we find that the facts and issues of the earlier OA 534/2019 are same and similar to the present case and, therefore, we see no justification to defer from the view already taken by the applicant in the aforesaid case.

20. In the result, for the discussions made above, MA 619/2019 stands dismissed and as a consequence MA No. 618/2019 as well as OA fails and are dismissed.

11. Since the factual matrix of the present OA is similar to the decision of Hon'ble High Court of Madras and the decision rendered by this Tribunal in OA No. 535/2019, we do not find any merit in changing the stand taken in them. Accordingly the OA is dismissed being barred by limitation. No costs.

(PRAMOD KUMAR DAS)
MEMBER (A)

(csk)

(SUDHI RANJAN MISHRA)
MEMBER (J)