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W.P.No.10728 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10728 of 2013
and M.P.Nos.1 and 2 of 2013

The Secretary (P),
Department of Posts,
Dak Sevak Bhawan,
New Delhi-110001.

... Petitioner

-Vs-

1. The General Secretary,
All India Postal Employees Progressive Union,
Plot No.5, VGP Pon Nagar,
First Main Road, Sembbakkam,
Chennai-600 037.

2. The represented by its Presiding Officer,
The Central Industrial
Tribunal-cum-Labour Court,
Shastri Bhawan,
Chennai-600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the second respondent Tribunal relating to the Impugned award dated 25.09.12 made in I.D.No.95 of 2011 and quash the same.



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For Petitioner : Mr.A.Kumaraguru, CGSPC
For Respondents
R1 : No appearance
R2 : Tribunal

ORDER

This Writ Petition has been filed challenging the award dated 25.09.2012 passed by the second respondent, in I.D.No.95 of 2011, thereby declared the denial of demand nos. XIII, XV, XVII and XIX is not legal and justified and denial of demand nos. X, XI, XII and XIV is legal and justified by the petitioner.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. Pending writ petition, the demand made by the first respondent was considered and answered in the status report dated 18.07.2023, which are as follows:-



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XIII	Grant of Informal Trade facilities Petitioner's Union.	As per the provisions of CCS (RSA) Rules, Union 1993, trade union facilities are provided only to Recognized Service Associations only. The applicant's Association is not recognized by the Department, so it is not entitled to any trade union facilities.
XV	Removal of imbalance in LSG/HSG II/HSG I Cadres.	As part of cadre restructuring, Postal Directorate vide memo no :25-04/2012-PE I dated 27.05.2016 has increased the no of posts in selection grade as below: LSG is 3021 from 588 HSG II 917 from 99 HSG I: 246 from 147 There is no imbalance in the LSG/HSG I and HSG II cadres.
XVII	Restoration of post reduced/abolished in Excess over the policy decision of the Government.	Action of the Department was strictly in accordance with the instructions issued by the Government of India. There was no excess abolition of posts as contented by the Union.



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XIX	Revival of 690 Postal Asst Posts erroneously abolished during the process of creation of 1622 Higher Selection Grade I posts by conversion of 10% Higher selection Grade II posts	There was no erroneous abolition of posts as contented by the union. The posts were abolished to provide matching saving in the process of having 1622 additional posts of Higher Selection Grade I, as per the standing instructions of the Government of India. In the circumstances there is no justification of reopen the issue.
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4. Recording the above status report, this writ petition is closed.

Consequently, connected Miscellaneous petitions are closed. No costs.

25.07.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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2. The Presiding Officer,
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G.K.ILANTHIRAIYAN, J.

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