

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the 22nd day, Friday of May Two Thousand And Twenty

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

THE HON'BLE MR. T. JACOB, MEMBER(A)

O.A.310/340/2020

1. U. Prakash (Aged 35),
S/o. N. Umapathy,
Big Kanchipuram,
PIN-631 502
(Inspector of Posts, Vandavasi Sub-Dn-604 408);
2. D. Anand Yuvaraj,(Aged 38)
S/o. B. Dhamodaran,
Mangalampet (Post)
Cuddalore- 606 104
(Inspector of Posts, Vandavasi Sub-Dn-606 001);
3. K. Swaminathan (aged 45)
S/o. K. Krishnan
Sakkottai- 612 401
(Inspector of Posts, Sirkali Sub-Dn);
4. R. Rajeshkumar (Age 31)
S/o. I.Rajesekaran,
Tiruvavarur- 610 106;
(Inspector of Posts, Tiruthuraipoondi
Sub-Dn-614 713);
5. B. Vinothkumar (Age 33),
S/o. Balasundaram,
Orattanad- 614 625.
(Inspector Posts, Orattanad Sub-Dn.);
6. A. Senthil (Age 35),
S/o. V. Alagesan,
Dharapuram- 638 656
(Inspector Posts, Orattanad Sub-Dn.);

7. P. Balamurugan (aged 33),
S/o. K. Puliyan,
Coimbatore- 641 011.
(Inspector Posts, on deputation as
Manager (Area Sales), India Post Payments Bank,
Coimbatore Branch- 641 001);
8. C. Malarvizhi (age 34),
D/o. V. Chinnakaruppan,
Chennai- 600 056
(Inspector Posts (PG) , CCN Dvn-600 008);
9. V. Leo Jesurajan (Age 34),
S/o. A. Velanganni,
Trichi- 621 307;
(Inspector Posts, on deputation as
Manager (Area Sales), India Post Payments Bank,
Dindugul- 624 001);
10. P. Guhan (Age 36),
S/o. D. Prakasam,
Chennai- 600 101.
(Inspector Posts, Chennai Sub-Dn.);
11. T. Balasubramaniam (Aged 34),
S/o. K. Thangavel,
Namakkal-637 401
(Inspector Posts, on deputation as
Manager (Area Sales), India Post Payments Bank,
Salem Branch- 636 001);
12. B. Sathiyaraja, (age 41),
S/o. A. Baluchamy,
Coimbatore- 641 045
(Inspector Posts, Pollachi Sub Dn.);
13. B. Subashini (Age 35),
D/o. C. Balakrishnan,
Tiruchi- 620 021
(Inspector Posts, Kulithalai Sub-Dn)

.....Applicants

(By Advocate: M/s. R. Malaichamy)

Vs.

1. Union of India Rep. by the
Director General,
Ministry of Communications,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi- 110 001;
2. The Assistant Director General (DE),
O/o. the Director General,
Ministry of Communications,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi- 110 001;
3. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;
4. The Assistant Postmaster General (Staff),
O/o. the Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002.

...Respondents.

(By Advocate: Mr. Su. Srinivasan (Sr. CGSC))

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an OA filed seeking the following reliefs:-

"i) To call for the records of the 2nd respondent which is made in F.No.7-8/2017-SPN-II dated 15.04.2020 and the letter of 4th respondent dated 4.5.2020 made in No. STA/3-50/PP/2020, consequent to promote the applicant to the cadre of ASPOs at par with the IPs who got Rule 38 transfer to the 3rd respondent Circle by following the gradation list of IPs of 3rd respondent Circle as on 01.07.2008/01.07.2014 issued as per the instructions of the 1st respondent dated 17.01.2019 by cancelling the seniority list made in No. STA/1-77/18 dated 28.04.2020 issued by the 3rd respondent after affording reasonable opportunity to the aggrieved persons, if any, also;

ii) direct the respondents to grant all the attendant benefits including monetary benefits at par with IPs who got Rule 38 transfer to the 3rd respondent Circle from other Circles;

iii) pass such other order as this Hon'ble Tribunal may deem fit and proper to the circumstances of the case and thus render justice."

2. The facts leading to this case can be summarized as follows:-

The applicants are Inspector of Posts selected and appointed after passing an LDCE for the year 2013. They were appointed in the Circle. They are now qualified for promotion to the post of Asst. Superintendent of Post Offices (ASPO's). There were "Surplus Qualified Candidates" and they were accommodated in

other Circles. This was done on the basis of their option (as per Rule 38 of Postal Manual). The persons allotted to another circle has to join there and they will have seniority of that circle. According to the applicants, now the respondents had issued an order dated 15.4.2020 stating that the seniority will be fixed as per Directorate Letter No. A34013/01/2009-DE (Pt.I) dated 25.06.2010. As per Letter No. STA/1-77/18 dated 28.04.2020 the Assistant Post Master General, Chennai had stated that the seniority of Surplus IP's are fixed according to instructions contained in Para 4(a)(iii) of the letter dated 25.06.2010. If seniority is fixed on the basis of letter dated 26.5.2010, it will effect the seniority of the applicants adversely. It is against Rule 38 of the Postal Manual Vol. IV. The respondents had prepared a fresh seniority list on the basis of letter dated 15.4.2020. Respondent No.4 had forwarded the said list for purposes of Departmental Promotion Committee (DPC) and had called for objections from employees (Annexure-A/8). Even-though the 1st applicant and some others had filed objections in altering the seniority list on 20.04.2020, the respondents had not considered the same and had not passed any speaking order on the objections raised.

3. Sri Su. Srinivasan, Senior Central Govt. Standing Counsel had opposed the OA stating that there is no merit in the OA. But he submits that the Department will consider the representations and pass a speaking order.

4. The Counsel for the applicants would submit that applicants will be satisfied if their objections on the seniority assigned to Surplus Inspector of Posts posted outside the Circle and transferred back is considered and disposed of by a speaking order and D.P.C is conducted after finalizing the seniority of the Surplus Inspector of Posts mentioned in the OA.

5. In view of the limited submissions made, we deem it appropriate to direct the competent authority to consider the objections raised by the applicants and others and finalize the seniority of the Inspector of Posts before conducting the D.P.C. for promotion to the post of ASPO's for 2019.

6. The O.A is disposed of accordingly. No costs.

(T. JACOB)
MEMBER(A)

Asvs

22.05.2020

(P. MADHAVAN)
MEMBER(J)