

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00509/2020

Friday this the 23rd day of October, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

1. Divya M., aged 28 yrs, D/o Sureshan A.K., Accountant,
Calicut HPO - 673001 Residing at Mundott House, Kotttooli P.O., Calicut - 673016
Ph: 9656273271
2. Sarath S. G., aged 32 yrs, S/o K.A. Sasi, Sorting Assistant, HRO
Trivandrum, RMS 'TV' Division - 695036
Residing at SarathNivas, Karayalathukonam, Kallayam P.O.,
Trivandrum - 695043 Ph: 9061079876
3. Arun Panicker, aged 29 years, S/o Unni Panicker , Sorting Assistant, RMS
'EK' Division Residing at Krishna Vihar, Cherukulam Road, Palluruthy
Kochi - 682011
Ph: 8089602803
4. Remya V, aged 31 years, W/o Praveen C ,Postal Assistant,
Kongad S.O., Palghat Division, Pin-678⁶³¹
Residing at Vishnu Priya, CHC Road, Challikkal, Kongad
Palghat - 678631
Ph: 9895563391
5. Maneesh A.S., aged 28 years, S/o Ayyappan M., Postal Assistant,
Trivandrum North Divisional Office - 695001
Residing at Thiruvonam, TC 24/991, MRA 183, Thycaud P.O.,
Trivandrum - 695014
Ph: 8089934548

6. Vishnu C T, aged 31 years, S/o Chandran R, Accountant, Tirur HPO, Tirur Division Residing at Vishnu Vilasom, Pookiparamba, Valakolam P.O., Malappuram - 676508
Ph:8086306926
7. Manu S Nair, aged 31 years, S/ o V. Sukumaran Nair, Postal Assistant, Anayara S.O., Trivandrum North Division -695029
Residing at Lalitha Bhavan, Opp G.G.H.H.S. Neyyattinkara, Trivandrum 695121 Ph: 9809089446
8. Akhil S.R., aged 33 yrs, S/o Surendran Nair, Sorting Assistant, SRO Palakkad, RMS CT Dvn – 678002, Residing at Krishnapriya House, Kattayil, Odanavattom P.O, Kollam – 691512, Ph:9645070417
9. Arun A., aged 32 yrs, S/o Asokan B., Office Assistant, SSRM, RMS 'TV' Division, Trivandrum- 695036, Residing at PlavilaVeedu, Njarakkattuvila, Nedumparambu P.O., Alamcode, Trivandrum – 695102, Ph: 9995563392
10. Dipin D, aged 30 yrs, S/o J Divakaran, Postal Assistant, Varkala SO, Trivandrum Circle
Residing at Ambika Bhavan, Thoongambara, Kattakada P.O., 695572
Ph:9497482367
11. Michael Sam, aged 37 years, S/o P M Samuel, Sub Post Master, Vengallur Post Office, Idukki - 685608
Residing at Kozhikunnel House, Muttom, Ellumpuram P.O. Idukki 685587
Ph:9567471016

..... **Applicants**

(By Advocate : Mrs.Anila Umesh)

V e r s u s

- 1) Union of India represented by
The Secretary to Govt of India/ Director General of Posts, Department of Post, Ministry of communication, Sanchar Bhavan, New Delhi-110001
- 2) Director General of Posts
Directorate of Postal Services

Dak Bhawan, Sansad Marg, New Delhi, 110001,

- 3) Assistant Post Master General/Office of the Chief Post Master General,
Trivandrum Circle, PMG Junction, Near Planetarium,
Thiruvananthapuram, Kerala 695033 **Respondents**

(By Advocate : Mr.Rajesh Sukumaran, ACGSC)

This application having been heard on 23.10.2020 through video conferencing, the Tribunal on the same day delivered the following:

ORDER (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

The applicants are departmental employees under the Department of Posts working as Postal Assistant/Sorting Assistant/Office Assistant/Sub Post Master/Accountant and who have successfully qualified in the Departmental examination for promotion to the cadre of Inspector of Posts conducted by the 2nd respondent for the years 2016-17, 2017-18 and 2018. The LDCE for Inspector of Posts was conducted after a delay of 3 years in accordance with Annexure A2 notification and the applicants were also issued with allotment orders for appointment. When the applicants were all prepared to join as Inspector of Posts in various divisions as per their allotment orders, the 2nd respondent issued Annexure A5 communication hastily for keeping in abeyance all proceedings in furtherance of the Annexure A3 results without affording any valid justification. Similarly placed

candidates who got qualified in the Odisha Circle were issued with appointment orders and they have already joined service. Keeping in abeyance the appointment orders of the applicants in such circumstance has also resulted in discrimination against the applicants as all the candidates who appeared in the All India Examination are equally placed and also entitled to get equal seniority based on their marks in the examination. Highly aggrieved by the Annexure A5 communication, the applicants have submitted representations before the 2nd respondent for vacating the Annexure A5 communication and for permitting the applicants to join as Inspector of Posts without any further delay as per the allotment orders issued to them. Hence he approached this Tribunal praying for the following reliefs:

"i) To quash the Annexure A5 communication issued by the 2nd respondent without any valid reason being arbitrary and illegal.

ii) To direct respondent no.2 to consider Annexure A6 to A6 J representations submitted by the applicants and permit the applicants to join service as Inspector of Posts with immediate effect.

iii) To declare that the applicants are entitled to get them posted as Inspector of Posts on the basis of their selection & allotment/appointment.

iv) To declare that applicants are entitled to get seniority and all consequential benefits of appointment on the basis of their appointment as evidenced by the Annexure A1 allotment order dated 24.6.2020 and Annexure A4 appointment order dated 26.6.2020

v) To pass such other orders as their Tribunal may deem fit in the facts and circumstance of the case. "

2. Counsel for the applicant submits that the representations filed by the applicants as Annexure A-6 series are pending before the respondents and the applicants will be satisfied if a direction is given to the respondents for disposal of the same within a time frame.
3. Adv.Mr.Tony representing Adv.Mr.Rajesh Sukumaran,ACGSC takes notice on behalf of the respondents and he submits that the respondents have no objection in disposal of the said representations.
4. In view of the limited relief sought for, we are of the view that the Original Application can be disposed of at the admission stage itself without going into the merits. **The Competent Authority is directed to consider Annexure A-6 series representations of the applicants in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.**
5. **The Original Application is disposed of as above. No costs.**

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

- Annexure A1 : **ANNEXURE A-1:A** true copy of the Office Order No.ST/15/-3/2020 dated 26.6.2020 for Regional Allotment in the Kerala Circle.
- Annexure A2 : True copy of the notification F. No. A- 34012/03/2018- DE dated 18.4.2019
- Annexure A3 : True copy of the results published as F.No. A-34013/01/2020-DE dated 24.6.2020 along with select list of Kerala Circle
- Annexure A4 : A true copy of the appointment and posting order No. ST/15-3/2020 dated 26.6.2020 issued to the 2nd, 7th and 9th applicants.
- Annexure A5 : Communication F. No. A-34013/ 01/ 2020-DE dated 29.6.2020 issued by the 2nd respondent
- Annexure A6 : representations made by the Applicants No. 1 before the 2nd respondent dated 2.9.2020.
- Annexure A6 A : representations made by the Applicants No. 2 before the 2nd respondent dated 4.9.2020.
- Annexure A6 B : representations made by the Applicants No. 3 before the 2nd respondent dated 26.9.2020.
- Annexure A6 C : representations made by the Applicants No. 4 before the 2nd respondent dated 2.9.2020.
- Annexure A6 D : representations made by the Applicants No. 5 before the 2nd respondent dated 4.9.2020.
- Annexure A 6 E : representations made by the Applicants No. 6 before the 2nd respondent dated 3.9.2020.
- Annexure A6F : representations made by the Applicants No. 7 before the 2nd respondent dated 7.9.2020.
- Annexure A6G : representations made by the applicants No.8 before the 2nd respondent dated 4.9.2020
- Annexure A6 H : representations made by the applicants no.9 before the 2nd respondent 3.9.2020.
- Annexure A6 I : representations made by the applicants No.10 before the 2nd

respondent dated 18.9.2020

Annexure A6 J : representations made by the applicants No.11 before the 2nd respondent dated 14.10.2020

Annexure A7 : True copy of the reminder to the representation submitted by the applicants No.1 dated 12.10.2020.

Annexure A7 A : True copy of the reminder to the representation submitted by the applicants no.6 dated 14.10.2020.

Annexure A7 B : True copy of the reminder to the representation submitted by the applicants no.9 dated 14.10.2020.

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