



**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

ORIGINAL APPLICATION NO.170/01271/2019

ORDER RESERVED ON 06.07.2021

DATE OF ORDER: 03.09.2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Prakash.N

S/o late Nanjundaswamy

Aged about 55 years

Resident of No.2, MIG

2nd Main, Sharada

Devi Nagar, Mysore-560 033.

Working as Sorting Postman

Saraswathipuram Head Post Office

Mysore-560 009.

....Applicant

(By Advocate Shri B.S.Venkatesh Kumar – through video conference)

Vs.

1. Union of India by Secretary
Ministry of Communications and IT
Department of Posts
Dak Bhavan, Sansad Marg
New Delhi – 110 001.
2. The Postmaster General
South Karnataka Region
2nd Floor, GPO Building
Bengaluru-560001.
3. The Sr.Suptd. of Post Offices
Mysore Division
Mysore-570 020.
4. M.Ramamurthy
Father's name not known
Aged about 57 years



Working as Postman
Mysore H.O.-570 001.

.....Respondents

(By Advocate Shri V.N.Holla – through video conference)

O R D E R

PER: RAKESH KUMAR GUPTA, MEMBER (A)

1. The applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:
 - i. Quash and set aside the impugned order in letter No.B2/Sorting Postman/Dlgs dated 21/10/2019 (Annexure-A5) issued by the 3rd respondent in as so far it relates to the Saraswathipuram H.O. as the same is against the D.G. Posts Letter No.7-4/88-VIG (PT) dated 12/06/1996, D.G. Posts letter dated 02/04/73 & 04/04/2011.
 - ii. Direct the respondents to continue the applicant in the present post, that is the post of Sorting Postman, Saraswathipuram.
2. The Tribunal had passed interim orders on 25.11.2019 staying the posting of the 4th respondent in place of the applicant until further orders.
3. The facts of the case as pleaded by the applicant are as follows:
 - a) The applicant was appointed as BPM, Ballenahalli B.O. with effect from 18.02.1991 and promoted as Postman with effect from 11.09.1997 and presently working as Sorting Postman, at Saraswathipuram Head Post Office of Mysore Division.
 - b) The applicant is a heart patient and undergone Angioplasty and needs lifelong follow-up treatment at Mysore. The applicant's wife is handicapped woman and she is not in a position to do her day to day house hold work independently and needs support of the applicant for each and every work.



c) As the applicant is suffering from severe heart disease, the doctor advised him to avoid heavy work and as the responsibility of his family is totally on the applicant because of the handicapped wife, the applicant requested the erstwhile 3rd respondent to post him as Sorting Postman, which enables the applicant, not only to take care of his health but also to look after his handicapped wife and school going children. The 3rd respondent posted him as Sorting Postman and till date the applicant is continuing as Sorting Postman. Meanwhile the 3rd respondent issued notification vide No.B2/Sorting Postman/Dlgs dated 01/02/2019 and called for volunteers to work as Sorting Postman, Saraswathipuram H.O., the place in which the applicant is presently working as Sorting Postman. The applicant requested the 3rd respondent to withdraw the said notification and allow him to continue in the said post as he is suffering from medical issues. The 3rd respondent agreed for the same and assured to continue the applicant as Sorting Postman and also advised the applicant to apply for the said post. The applicant submitted an application dated 15/02/2019(Annexure-A4).

d) But all of a sudden just a few days prior to his retirement, 3rd respondent issued impugned order vide letter No.B2/Sorting Postman/Dlgs dated 21.10.2019(Annexure-A5) and posted 4th respondent as sorting postman, which is highly irregular, arbitrary and unreasonable.

e) The action of the 3rd respondent in issuing the impugned orders dated 21.10.2019 is in violation of D.G.Posts Letter No.7-4/88-VIG (PT) dated



12.06.1996(Annexure-A6) which prohibits issuance of transfer order by Divisional Superintendents retiring within 6 months.

- f) The appointment of Sorting Postman is neither a promotion nor a fresh appointment and Sorting Postmen are to be employed in lieu of clerks for delivery and sorting. This means that a postman of the same office should be appointed as Sorting Postman and there is no need of separate posting of an official from other offices.
- g) As per D.G. Posts letter No.25-20/2008-PE.I dated 12th July 2011(Annexure-A8), post of Sorting Postman has been re-designated as Postman and both Postman and Sorting Postman have been given a common generic designation Postman. As such the applicant who is working at Saraswathipuram Head Post Office is liable for the posting as a sorting postman and posting of an official from other office is unwarranted.

4. The respondents in their reply statement have averred as follows:

- a) The post of Sorting Postman, Saraswathipuram Head Post Office fell vacant due to superannuation retirement of Shri Narasimhamurthy w.e.f. 31.01.2019. Rule 281 of Postal Manual Vol.IV, (Annexure R1) stipulates that appointment to the post of Sorting Postman is made among postmen and village postmen. Such appointments are normally made in order of seniority but the appointing authority may in his discretion pass over any senior official whom he does not consider fit for such appointment. A single gradation list should be maintained for the holders of all these posts which should be made interchangeable. Owing to retirement on



superannuation of Shri Narasimhamurthy, the applicant was ordered to look after the day to day work of Sorting Postman, Saraswathipuram Head Post Office under office arrangement temporarily till regular arrangement is made.

b) As required under the rules, willingness from the Postman staff was called for to work against the post of Sorting Postman, Saraswathipuram Head Post Office by the respondent No.3 vide Memo No.B2/Sorting Postman/Dlgs dt:01.02.2019. In response, 10 willingness applications, including that of the applicant were received, the details of which are furnished below:

Sl. No.	Name and designation	Gradation List Seniority Number
1	M.Ramamurthy, Postman, Mysuru HO	51
2	B.P.Pawan Kumar, Postman, SS Puram HO	59
3	S.R.Sreehary, Postman, Mysuru HO	64
4	Puttasiddanayaka, Postman, SS Puram HO	69
5	N.Prakash (Sr.) Saraswathipuram HO	70 (Applicant)
6	K.S.Siddaraju, Postman, Mysuru South SO	72
7	Shivamallaiah, Postman, Mysuru South SO	74
8	N.Prakash (Jr) Postman SS Puram HO	86
9	K.Srinivasa, Postman, Kuvempunagar SO	101
10	S.Nagendra, Postman, SS Puram HO	109

c) In accordance with DG Posts letter No.4-09/2011-SPG(Pt) dt:30.03.2015 and as per the instructions contained in PMG, SK Region, letter No.SK/STA/31-1/Rlgs/II dt:01.04.2015, the Transfer and Placement Committee consisting of (i) Shri N.Prakash, Sr.Suptd. of Post Offices Mysuru Division (ii) Shri K.Ramalingaiah, Supdt. Of Post Offices,



Nanjangud Division and (iii) Smt. M.G.Gayathri ASP (HQ) met on 03.10.2019 and examined the willingness received from the officials towards the vacant post of (i) Sorting Postman Mysuru HO and (ii) Saraswathipuram HO.

- d) The Transfer and Placement Committee on examining the willingness received from the officials and perusal of relevant records, considered and recommended selection of the Respondent No.4, based on seniority, as Sorting Postman, Saraswathipuram Head Post Office. Copy of the minutes of the Transfer and Placement Committee dt:03.10.2019 is produced and marked as Annexure-R2.
- e) In view of the respondent No.3 due for retirement on superannuation, the copy of the minutes of Transfer and Placement Committee dt: 03.10.2019 was sent to the respondent No.2 vide letter No.B2/Postman/Dlgs dt:04.10.2019. The respondent No.2 conveyed approval of the recommendations of the Transfer and Placement Committee by the competent authority vide letter No.SK/STA/28-1/Dlgs/Mys dt:18.10.2019, a copy of which is produced and marked as Annexure-R3.
- f) The respondent No.4 was posted as Sorting Postman, Saraswathipuram Head Post Office by the Respondent No.3 vide letter No.B2/Sorting Postman/Dlgs dt:21.10.2019 (Annexure-A5 of the OA).
- g) The applicant whose seniority number is 70 in the divisional gradation is not selected since he stands junior to the selected candidate i.e., Respondent No.4. The selection of respondent No.4 to the post of Sorting



Postman, Saraswathipuram Head Post Office is in accordance with the rules and procedure prescribed on the subject.

- h) The Hon'ble CAT vide interim order dated 25.11.2019 has ordered that the posting of the 4th respondent in place of the applicant is stayed until further orders. The applicant is allowed to continue to work as Sorting Postman and thus the orders of this Tribunal are complied with.
- i) The personal issues quoted by the applicant are not relevant to the relief sought by him. Selection of candidates to the post of Sorting Postman is bound by its own process of selection and official course. Owing to the retirement of the incumbent, selection of Respondent No.4 against the post of Sorting Postman is ordered by the Respondent No.3.

5. The applicant has filed a rejoinder wherein he has averred as follows:

- a. The 3rd respondent should have adhered to the directions contained in the D.G. Posts letter dated 2/4/1973(Annexure-A7 to the OA) while considering posting of Sorting Postman in post offices. According to this letter, the posting of Sorting Postman is neither a promotion nor a fresh appointment and Sorting Postmen are to be employed in delivery branch in lieu of clerks for delivery and sorting. This implies that a postman of the delivery branch of the same office should be employed as sorting postman and posting of an official from other offices, is in clear violation of Administrative directions.
- b. Further the Postman cadre is a non-transferrable post and therefore posting of 4th respondent to the post of Sorting Postman,



Saraswathipuram Head Post office from Mysore Head Post Office amounts to violation of their own rulings.

- c. After filing of this OA, the respondents have become vigilant and now they are adhering to the D.G. Posts letters referred supra while appointing sorting Postman. In the case of posting of Sorting Postman of Hunsur HSG-I post office, applications from volunteers from Hunsur Post office only have been invited. This clearly shows that the appointment of Sorting Postman should be done from the office in which the post is vacant.
- d. Consequent to Sixth Central Pay Commission, the post of Sorting Postman has been redesignated as Postman. The relevant letter of the D.G.Posts in No.25-20/2008-PE.1 dated 04/05/2011 is as follows:

“All Heads of the Circles/Regions

Subject: Change in designation of Sorting Postman;

Sir/Madam.

Consequent upon acceptance of the Recommendations of the Sixth Central Pay Commission, the Postman and Sorting Postman of Department of Posts have been placed in the Pay Band-I (Rs.5200-20200) with Grade Pay of Rs.2000. In view of this recommendation, it has been decided to re-designate the post of Sorting Postman as Postman with immediate effect. Postman and Sorting Postman will be given common generic designation of Postman.

- 2. *Consequent on the re-designation of the Sorting Postman, all the Postman shall be required to perform the duty of the Beat sorting.*
- 3. *In so far as the deployment of Postmen for the Beat Sorting is concerned it is left to the concerned Divisional head or Senior Postmaster to work out the exact requirement of delivery postmen required for Beat Sorting on the basis of the total number of the unregistered mail received for delivery as per the existing norms.”*



6. Heard the learned counsels for the parties.

The primary contention of the applicant is that the selection of Sorting Postman in the Post Office should be out of the existing Postmen posted in that post office rather than allowing some Postman from some other Post Office to be posted in the Post office to work as a Sorting Postman.

8. As can be seen from the documents submitted by the applicant vide Annexure-A8, the Directorate's letter of even number dated 04.05.2011 specifies that the post of Sorting Postman has been re-designated as Postman and both Postman and Sorting Postman have been given a common generic designation 'Postman'.

9. It is further specified in the Department's letter dated 12.07.2011 (Annexure A-8) that the concerned Divisional Head or Sr. Postmaster has to work out the exact requirement of Postmen required for Beat Sorting on the basis of the total number of un-registered mail received for delivery as per the existing norms. Hence, concerned authorities in the Division have to decide the number of Postmen to be put on the Beat Sorting job on the basis of existing norms. Thus, all the postmen are not to be put on the Beat Sorting work at a time. Rather, each one of them should be assigned the said job on turn-by-turn basis while observing the existing norms. Further, the number of postmen deployed for Beat Sorting should be adequate to ensure that Beat Sorting is completed one hour before the postmen leave for delivery so that necessary documentations and procedural requirements could be completed, which are necessary for carrying out the delivery effectively.



10. From the above departmental letters, it is quite clear that there is no designated post of Sorting Postman in the Post office and the Supervisory officer i.e., the Divisional Head or Senior Postmaster has to earmark the work of the Sorting Postman out of the existing Postmen posted in the Post Office.

11. In this particular case, the 4th respondent who was transferred to Saraswathipuram Head Post Office as Sorting Postman, was working in the Mysore Head Post Office. If one looks at the instructions quoted above, then the respondents need not have invited applications from the entire postal division for volunteering to do the job of Sorting Postman at Saraswathipuram Post Office. Rather volunteers could have been called from Saraswathipuram Post Office itself.

12. It has also been brought out in the rejoinder filed by the applicant that now the respondents are adhering to these instructions, while appointing the Sorting Postmen and calling for applications from volunteers from the same Post Office only to work as Sorting Postman rather than allowing postmen from some other Post Offices to volunteer for this job.

13. The applicant has produced a copy of a letter dated 05.08.2020 (Annexure A-10) which invited applications from the postmen posted in Hunsur Post Office only to work as Sorting Postman. Subsequently, a Postman from the Hunsur Post Office only was appointed as Sorting Postman vide letter dated 03.09.2020(Annexure-A11).

14. From the above, it is amply clear that there is no separate post of Sorting Postman. Both the Postman and Sorting Postman have been given a common



generic designation of Postman subsequent to the recommendations of the sixth Central Pay Commission. It also makes a lot of sense to have one or more existing postman posted in the post office to do this work of sorting postman, since he/she would be better aware of the various localities/addresses serviced by the post office and this would help him in attending to the sorting job in a much better way as compared to a postman from some other post office who may take time to know the area serviced by the post office. A postman from some other post office in the same postal division could be considered only if no suitable postman is available in that post office to do this sorting work.

15. Keeping in view the above points, the prayer made in the OA is allowed. The impugned order issued vide letter dated 21.10.2019 (Annexure A-5), qua the applicant, is quashed. The respondents are directed to consider appointing a Sorting Postman from amongst the willing volunteer Postmen working in Saraswathipuram Post Office itself, following the due procedure under rules, and keeping in view the spirit of the instructions already issued by the Postal Department vide their letters dated 04.05.2011 and dated 12.07.2011.

16. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER(ADMIN)

(SURESH KUMAR MONGA)
MEMBER(JUDL)

/ps/