

12

O.A. No. 283 of 2006

CORAM: Hon'ble Mr. M.R.Mohanty, Vice-Chairman
Hon'ble Mr. C.R.Mohapatra, Member (A)

Oral Order dated: 03.03.2008

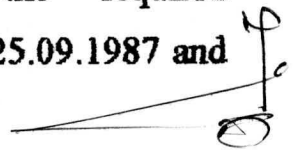
Heard Mr. P.K.Padhi, Ld. Counsel appearing for the Applicant and Ms. S.Mohapatra, Ld. A.S.C. appearing for the Respondents.

2. Applicant, a GDS-MC, filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985; because he was not selected for being appointed in Group-D post in Postal Department.

3. By filing counter, the Respondent Department has pointed out that as per Departmental Instruction (issued on 23.01.2002) one is required to be "Middle School Standard Pass" to be a Group-D staff in Postal Organization and that since the Applicant (the senior most GDS-Staff) was under qualified, he was not selected for the post.

4. At the hearing, Mr. Padhi, Learned Counsel appearing for the Applicant, pointed out that while by Circular Letter dated 05.01.1994 (Annexure-R/10) educational qualification (required for the post of Post-man) was relaxed in respect of EDA/GDS personnel, such relaxation was not extended for recruitment for Group-D posts.

5. 'Matriculation' became the required qualification for the post of Post-man w.e.f. 25.09.1987 and



that is why the relaxation (of educational qualification) was extended to such of the EDAs/GDS personnel who were engaged prior to 25.09.1987 vide Circular Letter under Annexure-R/10 dated 05.01.1994 extracted below:-

“ No. RE/30-13/75 Ch I(Corr) dated at BBSR, the 5.1.1994.

Sub:- Postman/Village Postman/Mail Guard examination for EDAs-Educational qualification thereto.

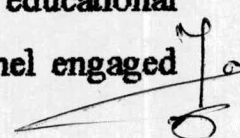
The question of relaxing the educational qualification for EDAs who were in service on 25.09.1987 to appear the Postman/Mailguard examination was under consideration of the Directorate.

As per Directorate's letter no. 60-62/92-SPB-I dt. 22.12.03, it has been decided that EDAs who were in service on 25.09.87 would be eligible to appear in the Postman/Village Postman/Mail Guard examination without obtaining matriculation qualification.

The above position should be brought to the notice of all concerned immediately without fail.”

6. It is the case of the Applicant that while extending general relaxations (at the stage of recruitment of Post-man) in respect of EDAs/GDS personnel engaged prior to 25.09.1987, such relaxation (of educational qualification) ought to have been extended to EDAs/GDS personnel (while recruiting person in Group-D posts) engaged prior to 23.01.2002, i.e. the date on which the recruitment rules (for the post of Group-D in postal Department) came into force.

7. Grant of general relaxation of educational qualification (in respect of EDAs/GDS personnel engaged




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prior to 23.01.2002) for recruitment of Group D posts is a matter, which ought to have been considered by the Respondent Authorities for a healthy personnel management, as has been done in the matter of recruitment of Post-man. Apparently, nobody has drawn attention of the Respondent Department in that regard. Even there are no material available on record to show that the Applicant ever prayed to get such relaxation.

8. In the above premises, this matter is remitted back to the Respondents, who should consider the matter of extending (educational qualification) relaxation (in the matter of recruitment to Group-D post) to such of the EDAs/GDS personnel, who were engaged prior to 23.01.2002; as has been done under Annexure-R/10 dated 05.01.1994 (supra) within a period of six months from now.

9. With the above observation and direction, this case is disposed of.


MEMBER (A)


VICE-CHAIRMAN