

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 438/99

Wednesday, this the 21st day of November, 2001.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

T.V. Balan, S/o Vasu, Aged 53 years,
Extra Departmental Mail Carrier,
Ponmeri, residing at Ponmeri,
Vadakara. Applicant

(By Advocate Mr. M.R. Rajendran Nair)

Vs

1. The Superintendent of Post Offices,
Vadakara Division,
Vnadakara.
2. The Postmaster General,
Northern Region,
Calicut.
3. The Chief Postmaster General,
Kerala Circle,
Trivandrum.
4. The Union of India represented by the
Secretary to Government of India,
Ministry of Communications,
Department of Posts,
New Delhi. Respondents

[By Mr. R. Prasanthkumar, ACGSC (Not present)]

The application having been heard on 21.11.2001, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicant a regular Extra Departmental Mail Carrier at Ponmeri, was placed in the panel of eligible seniormost E.D. Agents in Vadakara Division for appointment as outsiders in long term vacancies of Postman/Group-D at Sl No.2, wherein it was mentioned that he would be eligible for working as Group-D upto 17.4.1999 for the reason that he would attain the age of 53 years on that date. Applicant is member of O.B.C. According to the Recruitment Rules, ED Agents of general

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category upto the age of 50 years and O.B.C. candidates upto the age of 53 years only were entitled for appointment to the post of Group-D/Postman. However, the above provision in the Recruitment Rules stipulating the age limit of 50 years for general candidates and 53 years for O.B.C. candidates had been quashed by this Tribunal in OA 155/95. Despite this, the respondents have restricted the appointment of the applicant to the Group-D/Postman upto 17.4.1999. The applicant made a representation on 8.4.99 seeking appointment as Group-D/Postman post from the date of occurrence of vacancy. There was no response to this representation. Aggrieved by this, the applicant filed this application seeking the following reliefs :-

(i) To declare that the applicant is eligible to be considered for appointment as outsider in long term vacancies of Group-D even beyond 17.4.1999 based on his seniority and that the restriction that he is eligible for working as Group-D upto 17.4.1999 alone is illegal.

(ii) To direct the respondents to consider applicant for appointment as outsider in long term vacancies of Group-D even beyond 17.4.1999 based on his seniority in the E.D. Agents category.

(iii) To declare that the applicant is eligible to be considered for regular appointment as Group-D and to direct the respondents to consider him for regular appointment as Group-D with effect from the date of his initial appointment as an outsider in the long term vacancy of Group-D.

(iv) Grant such other relief as may be prayed for and the Tribunal may deem fit to grant, and

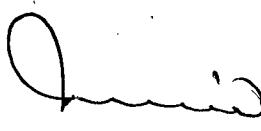
(v) Grant the cost of this Original application.

2. Although the OA was admitted on 29.6.99 and was fixed for completion of pleadings on 10.8.99, the respondents did not file any reply statement. Although Mr. Prasanthkumar, ACGSC entered appearance for the respondents, several adjournments were granted and on 16.8.2001, a final opportunity was given to file the reply statement making it clear that if the reply statement is not filed within the time granted, the right to file the reply statement would stand forfeited. Despite that

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the respondents did not file any reply statement and therefore the pleadings were treated as complete. Then the matter came up for final hearing. Even then nobody appeared for the respondents even on second call. As respondents did not file the reply statement and the counsel for the respondents did not appear today, we did not have an opportunity to hear the version of the respondents. However, in the light of the ruling of this Bench of the Tribunal in OA 155/95 dated 6.3.96, we direct the respondents to consider the appointment of the applicant as outsider in long term vacancies of Group-D/Postman post and there is no justification for the respondents to restrict the appointment of the applicant on Group-D Post only upto 17.4.1999. Applicant should be considered for appointment upto the age of 60 years which is the age of superannuation of the Central Government employees. In the result, the application is allowed declaring that the applicant is eligible for appointment as Group-D even beyond from 17.4.99 and directing the respondents to consider the applicant for appointment in Group-D even beyond 17.4.99 upto the age of superannuation of 60 years in existing vacancies or ^{if no vacancy exists on} vacancies that would arise. No costs.

Dated the 21st November, 2001.


T.N.T. NAYAR,
ADMINISTRATIVE MEMBER


A.V. HARIDASAN,
VICE CHAIRMAN

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APPENDIX

APPLICANT'S ANNEXURE

1. Annexure A1: True copy of the letter No.H2/P/Man/Gr.D. dated 16.2.1998 issued by the Postmaster, Quilandi to the applicant.
2. Annexure A2: True copy of the letter/Memo No.B3/ED/Vdk(S) dated 15.3.1999 issued by the Ist respondent to Shri T.V.Sujil.
3. Annexure A3: True copy of the representation dated 8.4.99 submitted by the applicant to the 1st respondent.

RESPONDENT'S ANNEXURE

Nil.

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