

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.442/2010

Dated this the 24th day of February, 2011

C O R A M

**HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER
HON'BLE MR. V. AJAYKUMAR, JUDICIAL MEMBER**

1. B. Thrivikraman Pillai, S/o. Balakrishnan Nair
GDS MD, Alumpeedika (P.O)
Kollam Division.
Residing at Poovangal House
Prayar South, Alumpeedika (P.O)
Kollam.
 2. S. Rajendran Pillai, S/o. K. Sivasankara Pillai
GDS MD, Vellimon West (P.O)
Kollam. Residing at
Rajendravilasam, Vellimon
West (P.O), Kollam.
 3. N. Shylaja, W/o. V. Sudhakaran
GDS BPM Pattomthuruthu (P.O)
Kollam. Residing at
Vasudha Nivas, Pallom.
- Applicants

(By Advocate Mr. P.C. Sebastian)

Vs

- 1 Union of India
Represented by
Secretary to Govt. of India
Ministry of Communications
Department of Posts
New Delhi

2 The Chief Postmaster General
 Kerala Circle
 Thiruvananthapuram.

3 The Senior Superintendent
 of Post Offices
 Kollam Division
 Kollam - 691 001.

..... Respondents

(By Advocate Mr. A.D. Raveendraprasad, ACGSC.)

The Application having been heard on 21.1.2011 the Tribunal delivered the following:-

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants are senior Gramin Dak Sevaks working in various Post Offices in Kollam postal division having more than 25 years of service, eligible to be promoted as Group-D/Postman as per extant recruitment rules. The grievance of the applicants is that, in spite of availability of adequate number of vacancies, the respondents have not considered their claim for promotion and that the respondents curtailed the vacancies for the year 2006, 2007 and 2008 arbitrarily on the plea of want of approval of non-statutory screening committee. Hence they filed this O.A to declare that they are entitled to be considered for promotion in accordance with the extant recruitment rules and to direct the respondents to fill up all the vacancies in the cadre of Group-D and Postman in the years 2006, 2007 and 2008 and to promote them accordingly with all consequential benefits.

2 The 3rd respondent filed a brief affidavit stating that the vacancies in the cadre of Postman for the year 2006, 2007, 2008 and

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2009 approved for filling up, have since been filled up as per the Recruitment Rules. While implementing the orders of the Tribunal in O.A. 312/2008, eleven senior most GDSs were selected for appointment, in Group D Cadre. The 3rd applicant was appointed while implementing the direction in O.A. 312/2008 but she declined promotion and did not join the post against which she was appointed. The applicants 1 & 2 are juniors to the last GDS appointed as Group-D.

3 The applicants filed rejoinder stating that against the sanctioned posts of 511, only 370 persons are working thus there are 141 vacancies remain to be filled up. As per the recruitment rules 50% of the vacancies are to be earmarked for the GDS which means that 70 vacancies are to be earmarked for GDS.

4 The respondents filed additional reply statement refuting the averments in the rejoinder. The applicant has shown the sanctioned number of posts of postman as 511, which is patently wrong, as he added up the sanctioned strength of three years from 2006 to 2008 to arrive at the figure of 511, while the sanctioned strength remained at 171, 170, 170 for 2006, 2007 and 2008 respectively. In 2008, the vacancy position was 63, out of which 36 vacancies were filled up. They stated that the recruitment rules of Postman /Village Postman /Guards 1989, was amended in 1994 according to which 50% vacancies are to be filled by promotion from Group cadre, failing which by EDAs on the basis of examination, out of the 50% left, 25% shall be filled up from EDAs with minimum of 15 years of service on the basis of seniority and 25% on the basis of merit in the Departmental examination. Hence, a total of 28 vacancies were notified under the departmental quota and 8 vacancies

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under GDS quota and the remaining vacancies were abolished as part of implementation of the optimization of manpower policy adopted by the Government of India in all the Central Government Departments.

5 We have heard the learned counsel appearing for the parties and perused the documents carefully.

6 The issue raised in the O.A. is against the curtailing of the vacancies in the cadre of Group-D/postman for the years 2006, 2007 and 2008 and not filling up the posts for want of approval of the Screening Committee. The contention of the applicants is that at least 50% of the vacancies each year should be earmarked for GDS and that approval of the Screening Committee is not necessary for the same. It is gathered that recruitment rules are different for filling up Group D and Group C posts from Gramin Dak Sevaks. While 75% of the vacancies in Group D cadre can be filled up by GDS on seniority cum fitness basis. In Postman cadre, it is only 50%, out of which only 25% of vacancies can be filled up on seniority cum fitness basis. As pointed by the applicant this Tribunal has declared that GDS to Group D can be treated as promotion and hence screening committee's approval is not necessary. Postman is in Group C Cadre and Annual Direct Recruitment Plan for all posts in Group C has to be submitted to screening committee. 50% quota is earmarked for promotion of Group D employee of the Department as Postman and the remaining 50% for GDS. 25% of the 50% is filled up by a competitive exam from GDS while the remaining 25% on seniority cum fitness from among GDS. The applicants are, therefore, entitled only to 25% of vacancies arising in any year under the seniority cum fitness quota. Postman is in Group C cadre and for the

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50%, to be filled up by direct recruitment, the annual direct recruitment plan has to be subjected to screening committee's review. As per the Vth CPC recommendation, a 10% cut has to be effected though a five year period in the sanctioned strength in every cadre and this is possible only in the direct recruitment quota. There is a further restriction from DOPT to fill up, not more than 1% of sanctioned strength every year. Therefore, all the vacancies which arise in an year may not be filled up as a few vacancies in DR quota will be abolished every year. This naturally, gives an impression to the applicant that there is curtailment in the number of promotion being effected for GDS. However, as part of the implementation of the common order of the Tribunal, an elaborate mechanism was put in place to ascertain the number of vacancies in the Group D Cadre in all the 27 divisions across the Circle. The number of vacancies projected in the Annual Direct Recruitment Plans for Postman cadre were cross checked vis-a-vis the number of vacancies cleared by the Government for filling up. A Committee was set up at Regional level and also at Circle level to scrutinise and monitor all related documents and facts and cross tally the number of vacancies from the date of their occurrence, vacancies approved for filling/abolishing, the actual number in position and the total sanctioned strength in each Division. After tallying these figures from 2002 to 2008, revised rosters were prepared and list of eligible persons identified in each division and given appointment notionally from the date of occurrence of each vacancy according to seniority as a one time measure. After the above exercise, a total 327 posts for the period from 2002-2008 were identified to be filled up in all the Divisions out of which 12 vacancies were allotted to Kollam Division for filling up. The first and second applicants' turn did not come, as per their seniority while the 3rd applicant declined the

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promotion to Group D. The respondents have filed the additional reply statement on 12.11.2010 but the applicants have not refuted the same. Therefore, we are of the opinion that the facts and figures in their statement are correct.

7 In this view of the matter we do not find any merit in the O.A.
It is accordingly dismissed. No costs.

Dated 24-2-2011

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V. AJAY KUMAR
JUDICIAL MEMBER

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K. NOORJEHAN
ADMINISTRATIVE MEMBER

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