

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH.

O.A.No.446/2002

Thursday this the -15th day of July, 2004.

C O R A M

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

C.P.Reghukumar
Group 'D'
Thondankulangara P.O.
Residing at :
Njarakkathara House
Mankompu P.O.
Alapuzha
Pin - 688 502 : Applicant.

[By Advocate Mr. P.C.Sebastian]

Vs.

1. The Superintendent of Post Offices
Alapuzha Division,
Alapuzha.
2. The Assistant Superintendent of Post Offices,
Alapuzha Sub Division,
Alapuzha.
3. The Postmaster General
Central Region
Kochi - 686 016.
4. The Union of India represented by its
Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi. : Respondents.

[By Advocate Mr.M.R.Suresh]

The application having been heard on 07.07.2004, the
Tribunal on 15.07.2004 delivered the following :

O R D E R

HON'BLE SHRI K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant alleged in the Original Application that
he is a permanent Gramin Dak Sevak from 1977. Group 'D' posts
in the department are filled by absorption of the E.D.Aagents in
the order of their seniority and the upper age limit of 50
years (55 years for SC/ST) is prescribed for such promotion.

As per Annexure A-1 seniority list of Gramin Dak Sevaks in Alapuzha Division as on 01.07.2001, the applicant figures 16 in the Annexure A-2 list. He satisfied all conditions for eligibility for appointment as Group 'D' on regular basis. Aggrieved by the fact that for the last so many years large number of vacancies are not cleared by the respondents in the cadre of Group 'D' in Alapuzha. Therefore, the applicant has filed this Original Application seeking the following reliefs:-

- (i) To direct the respondents to consider applicant's claim for regular appointment in the existing vacancy of Group 'D' in Alapuzha Division and pass appropriate orders within a time limit that may be fixed by this Hon'ble Tribunal.
- (ii) To direct the 1st and 2nd respondents to allow the applicant to continue as Group 'D' till the existing vacancies of Group 'D' are filled on a regular basis.
- (iii) To grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case.
- (iv) To award costs in favour of the applicant.

2. Respondents have filed a detailed reply statement contending that the applicant was appointed on 24.11.1998 and Group 'D' posts in the Department are filled up by absorption of Gramin Dak Sevaks in the order of their seniority, subject to the conditions on reservation of those posts to SC/ST/OBC etc. The applicant is the 2nd man in the seniority list (Annexure A-2) below the age of 50 years. He is not in the 2nd place of Gramin Dak Sevak to be considered for absorption to the cadre of Group 'D' at the appropriate time since Gramin Dak Sevak in reservation category have also to be considered

according to the standing instructions on the selection. The Gramin Dak Sevaks whose names are shown against serial No. 12 to 15 belong to Scheduled Caste and they have to be considered till they attain the age of 55 years. The claim of the applicant that the applicant stands 2nd for promotion is not correct.

3. Shri P.C.Sebastian, learned counsel appeared for the applicant and Shri M.R.Suresh, ACGSC appeared for the respondents. Learned counsel had taken us through various pleadings, materials and evidence placed on record. Learned counsel for applicant argued that despite there are so many vacancies, the posts are not filled up for the reasons known to them. Respondents submitted that the O.A is premature since the applicants will be considered in its turn. There is no default in not filling up the vacancy.

4. We have given due consideration to the arguments advanced by the learned counsel and it is agreed now by virtue of an executive order as directed by the Hon'ble High Court in O.P.No.25172/98, the Directorate General of Posts vide order dated 20.07.2000 had prescribed the age limit of 50 years (55 years in the case of SC/ST) as the criteria for considering for the post of Group 'D' posts and the age limit is re-introduced by the said order as against the age of 60 prescribed by this Court in the orders of OA 130/02 etc. So that dispute is settled for the time being. In paragraph 9 of the reply statement the respondents has stated that "the department is taking action to fill up two posts of Group D in the Division.

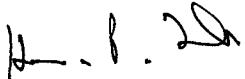
The applicant, if found eligible and comes under the zone of consideration, will be considered for absorption."

5. We want to make it clear the fact that persons who come under the seniority list or in the rank will not get a legal right to be appointed; since the respondents has undertaken that applicant's case will be considered in its turn, we record such a statement of the respondents..

6. In the circumstances, we take note of the averments in the reply statement filed by the respondents and we are confident that respondents will take appropriate action/steps in filling up the vacancies without much delay. If the applicant is also otherwise eligible his name could also be considered.

7. With the above observation, this Original Application is disposed of.. No order as to costs.

Dated, the 15th July, 2004.


H.P.DAS
ADMINISTRATIVE MEMBER


K.V.SACHIDANANDAN
JUDICIAL MEMBER

vs