

**ORIGINAL APPLICATION NO:455/2008.
DATED THE 29th DAY OF JUNE, 2009.**

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER

- ## ... Applicants

V/s

- ## ... Respondents

By Advocate Mr TPM Ibrahim Khan SCGSC

This application having been heard on 29.06.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

The applicants are presently working as Gramin Dak Sevak under the 2nd respondent, namely, The Senior Superintendent of Post Offices, Palghat Postal Division, Palghat. They have sought a declaration that the non-feasance on the respondents part to consider and promote them as Group 'D' employees against the existing vacancies in the Palghat Postal Division is arbitrary, discriminatory, contrary to law and hence, unconstitutional. They have also sought a direction to 2nd and 3rd respondents to consider and promote the applicants and further to grant them all consequential benefits arising there from have arisen from the date from which the respective vacancies.

2 In the reply statement, respondents have produced the Annexure R-1 OM No.2/8/2001-PIC of the Ministry of Personnel/Public Grievances & Pension, Department of Personnel and Training dated 16.5.2001 according to which the Group B, C and D vacancies have to be cleared by the Screening Committee set up for this purpose before any promotions. They have also produced the Annexure R-2 seniority list of Gramin Dak Sevaks of Palghat Division as on 1.7.2002 in which the first applicant, Shri R Raghavan appears at serial no.46, second applicant, Shri C Mani appears at serial no.30 and 3rd applicant, Shri K Karuppaswamy appears at serial no.51.

3 We have heard advocate Mr Shyamraj G for Mr T C G Swamy, learned counsel for the applicant and Advocate Ms Jisha for Mr TPM Ibrahim Khan SCGSC, learned counsel for respondents. The issue relating to this case is already covered by order of this Tribunal dated 2.11.2007 in OA No.346/2005. The operative part of the judgment was as under:-

"14 In the result, the respondents are directed to consider the case of the applicants excluding applicants 1 & 3 in accordance with their rank and seniority under the 75% quota set apart for Gramin Dak Sevaks under the Recruitment Rules 2002 without waiting for clearance of the Screening Committee and to promote them according to their eligibility and seniority against the available vacancies. It shall be done within two months from the date of receipt of copy of this order. The OA is disposed of as above. No costs."

We, therefore, direct the respondents to consider the cases of the applicants herein for promotion according to their eligibility and seniority against the available vacancies in their cadre without waiting for any clearance from the Screening Committee within a period of two months from the date of receipt of this order.

4 With the aforesaid direction, this OA is disposed of. There shall be no orders as to costs.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

abp