

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 457/89 199x
~~XXXXXX~~

DATE OF DECISION 18.7.90

U.K.Mohanan & others Applicant (s)

M/s M.Ramachandran and Advocate for the Applicant (s)
P.Ramakrishnan
Versus

Supdt. of Postal Stores Respondent (s)
Depot, Trichur and others

Mr.V.V.Sidharthan, ACGSC Advocate for the Respondent (s)
Mr.OV Radhakrishnan for R.3&4.

CORAM:

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *W*
2. To be referred to the Reporter or not? *W*
3. Whether their Lordships wish to see the fair copy of the Judgement? *W*
4. To be circulated to all Benches of the Tribunal? *W*

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

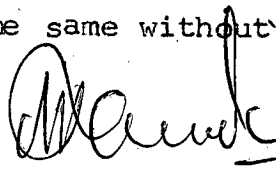
In this application dated 3rd August, 1989 filed under Section 19 of the Administrative Tribunals Act, the applicants who are working as E.D.Agents under the Postal Division, Trichur have challenged the Circular dated 10.7.89 at Annexure-I by which Casual Labourers working in the Postal Stores Depot. Trichur have been invited to appear in the literacy test for recruitment to the Group 'D' post in the Postal Stores Depot. Trichur. The contention of the applicants is that in accordance with the DG P&T's letter dated 6.6.88 (Annexure-II) they as E.D. employees are entitled to priority consideration over the casual labourers for recruitment to ~~the~~ Group 'D' posts. The application has been opposed not only

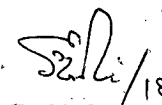
by the Department but also by the contesting respondents 3 and 4 who are working as full-time casual Mazdoors and as part-time contingent Sweepers in the Postal Stores Depot. Trichur. Their contention is that Stores Depot. is a separate recruiting unit and since there are no E.D. Agents in that unit, the question of applying the DG P&T's instructions ^{giving} ~~given~~ priority to E.D. Agents in the Stores Depot recruitment ^{unit} does not arise.

2. We have heard the arguments of the learned counsel for all the parties and gone through the documents carefully. In accordance with the D.G P&T's letter dated 19.7.65 (Exbt.R.3(a) "in regard to Class IV officials the Stores Depot will be a separate unit.....". A further clarification has been given in D.G P&T's letter dated 7.1.84 (Exbt.R.3(c) that if the Postal Stores Depot as a recruiting unit, eligible casual labourers should first be considered for Group 'D' post before throwing open the vacancies to the other Postal Divisions. Annexure-I itself indicates that the Postal Stores Depot is a separate unit. In the Counter Affidavit filed by Respondents 1 and 2 it has been specifically indicated that the Postal Stores Depot Trichur is a recruiting unit for Group 'D'. The learned counsel for the applicant has not been able to produce any order or instruction which would show that the Stores Depot is not a separate recruiting unit. It is admitted

that in the Postal Stores Unit as separate unit, there is no E.D. employees working.

3. In the conspectus of facts and circumstances therefore, we hold that the Postal Stores Depot having no E.D. employees working, the applicants who are E.D. Agents in a separate Postal Division cannot claim priority for appointment to the Group 'D' post in the Postal Stores Depot over the casual labourers working in the Postal Stores Depot. We see no force in the application and dismiss the same without any order as to costs.


(A.V. Haridasan)
Judicial Member

 18-7-90
(S.P. Mukerji)
Vice Chairman

18.7.90

Ksn.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

RA-114/90 ^{ERNAKULAM} IN

O.A. No. 457 of 1989
~~XXXXXX~~

DATE OF DECISION 14-12-1990

UK Mohanan & VT Subramanian Applicant (s)

Mr M Ramachandran Advocate for the Applicant (s)

Versus

Superintendent of Postal Respondent (s)
Stores Department, Trichur & 3 others

Mr VV Sidharthan Advocate for the Respondent (s) 1&2

Mr DV Radhakrishnan for respondents 3&4

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&


The Hon'ble Mr. AV Haridasan, Judicial Member

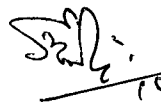
1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *M*
3. Whether their Lordships wish to see the fair copy of the Judgement? *M*
4. To be circulated to all Benches of the Tribunal? *M*

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

We have heard the arguments of the learned counsel for the review applicant and in the interest of justice, condone the delay as the learned counsel for the opposite party do not have any objection. The learned counsel for the review applicant has not pointed out any error apparent on the face of records but drew our attention to Annexure-III to the O.A. ^{which} does not have any bearing on the finding given by us ^{so far as} ~~as regards~~ the Postal Stores Depot being a separate ^{recruitment} Unit is concerned. In the circumstances, we do not find any merit in the review application and dismiss the same.


(AV HARIDASAN)
JUDICIAL MEMBER


(SP MUKERJI)
VICE CHAIRMAN

14-12-1990

trs