

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 460 of 1991

DATE OF DECISION 24-3-1992

T Gangadharan & 3 others Applicant (s)

Mr M Sasindran Advocate for the Applicant (s)

Versus

Supdt. of Post Offices, Respondent (s)
Kasaragod & 8 others

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s) 1, 2&9
CORAM: Mr OV Radhakrishnan - Advocate for the respondents 3-8

The Hon'ble Mr. NV KRISHNAN, ADMINISTRATIVE MEMBER

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The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

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

JUDGEMENT

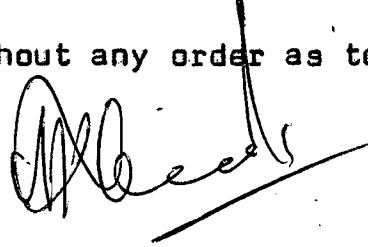
(Shri AV Haridasan, Judicial Member)

The applicants who are Extra Departmental Agents in the Postal Department have filed this application challenging the validity of Clause 1(ii) and 8 of the Circular of the DG, P&T dated 21.4.1989 at Annexure-2 which provide that out of 50% vacancies in the post of Postman allotted to the ED Agents, 25% would be filled by ED Agents who qualified the departmental test on the basis of their seniority and 25% on the basis of merits in the competitive examination. Their case is that as all the ED Agents are members of one class, a distinction on the basis of the merit in the qualifying examination is not justified and that the entire vacancy should be filled only by appointment of the

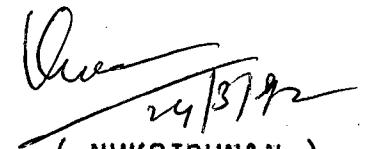
ED Agents on the basis of their seniority, subject to their being qualified in the written examination. They have also prayed that the select list at Annexure-A4 to the extent it includes respondents 3 to 8 may be quashed.

2. The learned counsel for the respondents brought to our notice the fact that the Recruitment Rules to the post of Postman and Mailguard have been notified on 6.7.1989 in the official Gazette of India and that according to this Recruitment Rules, the method of recruitment of Postman/Mailguard is 50% by promotion of Group 'D' employees and remaining 50% by ED Agents, 25% being filled by appointment of ED Agents who qualified in the departmental test on their seniority and the remaining 25% by ED Agents on the basis of their merit in the departmental examination. It is further provided that unfilled vacancies in the departmental quota, should be filled entirely by the ED Agents on the basis of their merit in the departmental examination. The applicants in the application have at para-3 stated that in the matter of recruitment to the post of Postman/Village Postman, from among ED Agents, the instruction of the DG, P&T contained in letter No.44-44/82 (Annexure-II) dated 7.4.1989 communicated by the PMG by letter dated 21.4.1989 should govern the field. We find that in view of the fact that have come into force after of Annexure-II Recruitment Rules ~~and~~ the instructions/^{on} the subject, the recruitment to the post of Postman/Village Postman/Mailguard have to be made strictly in accordance with this Recruitment Rules alone. according to the Recruitment Rules Since /issued on 5.6.1989, the method of recruitment is as stated that earlier we find/the applicants have no legitimate grievance to be

redressed. In case the applicants are aggrieved, they should have challenged the constitutional validity of the Recruitment Rules. Having not done that, the applicants are not entitled to any relief in this application. Hence the application is dismissed without any order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER



(NVKRISHNAN)
ADMVE. MEMBER

24-3-1992

trs