

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 467/2004

Friday this the 28th day of April, 2006

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

Rajesh M
Gramin Dak Sevak Branch Post Master,
Vengad, Anjara Kandy Via.
Kannur-670 612 residing at
Kallyadan House, Varam PO
Kannur.

.....Applicant

(By Advocate Mr. K.Ramakumar)

V.

1 The Superintendent of Post Offices,
Kannur Division,
Kannur.1.

2 The Chief Postmaster General,
Kerala Circle,
Trivandrum.33.

....Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC)

The application having been heard on 13.4.2006, the Tribunal on 28.4.2006 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The grievance of the applicant in the present O.A is against Annexure.A3 notification by which the Respondents have proposed to fill up departmental quota vacancies in the cadre of Postal Assistants for the year 2002 in Kannur Division from among the GDS who possess required qualification and are within the prescribed age limit. The minimum educational qualification prescribed was 10+2 standard with English as a

compulsory subject and have studied local language as a subject at least upto matriculation or equivalent level. The age prescribed was 28 years (33 years for SC/ST and 31 years for OBC) as on 31.3.2004. The applicant has submitted that he is now aged 29 years and because of the age restriction mentioned in Annexure.A3 order he would not be considered for promotion. The contention of the applicant is that earlier the age limit was 35 years and it has been reduced to 28 years now, resulting the exclusion of the applicant from participating in the promotion process. In all the earlier selection process the age limit prescribed for promotion to the post of Postal Assistant was 35 years. The applicant has submitted that the reduction of the age limit to 28 years is totally arbitrary, unreasonable and the same is without proper application of mind.

2 In the reply the respondents have submitted that the Annexure A3 notification was issued in terms of the revised Recruitment Rules, namely, "Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 2002. According to the said Rules, 50% of the vacancies in the PA/SA cadre are to be filled by promotion through a limited competitive examination, failing which unfilled vacancies shall be offered to Gramin Dak Sevaks (GDS for short) of the recruiting divisions/units subject to the condition that they should be within 28 years of age (33 years for SC/STs and 31 years for OBCs) as on the crucial date fixed for direct recruitment of the same year. The crucial date fixed for direct recruitment against the vacancies of 2002 was 31.3.2004. Since the applicant was overaged on that date, he was not found eligible to be considered against the unfilled vacancies of P.As under the departmental quota offered to the GDS as per Annexure.A3. As per earlier Recruitment



Rules of 1992, the age limit fixed for GDS to be considered for such vacancies was 35 years as on the crucial date. Since the new Recruitment Rules have come into force with effect from 10.1.02 the applicant has to be governed by the revised Recruitment Rules.

3 We have heard Advocate Shri K.Ramakumar, learned counsel for the applicant and Advocate Shri TPM Ibrahim Khan, learned counsel for the respondents. The undisputed fact in this case is that the respondents have notified the Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 2002 by notification dated 9.1.02. The Annexure.A.3 notification was issued on 13.4.04 to fill up departmental quota vacancies in the cadre of Postal Assistants for the year 2002. Obviously the applicant is overaged by the latest Recruitment Rules, according to which the age limit is 28 years for general category candidates, 33 years for SC/ST and 31 years for OBC. The applicant belongs to general category. The applicant as well as the respondents are bound to follow the Recruitment Rules framed under Article 309 of the Constitution of India and therefore the objection raised by the applicant has no merit. We, therefore, dismiss this OA. There shall be no order as to costs.

Dated this the 28th day of April, 2006


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

S.