

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.471/2005.

Friday, this the 24th day of June, 2005.

CORAM:

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

(By Advocate Shri Sasidharan Chempazhanthiyil)

Vs.

1. Assistant Superintendent of Post Offices,
Thiruvananthapuram East Sub Division,
Thiruvananthapuram-5.
2. Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram-14.
3. Union of India, represented by its Secretary,
Ministry of Communications,
New Delhi. Respondents

(By Advocate Shri P.Parameswaran Nair, ACGSC)

(The application having been heard on 24.6.2005, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant in this O.A. is working as part-time contingent employee at Vellayani Post Office since October 1997 on continuous basis. She has studied upto Pre-Degree and according to her she is fully qualified for appointment to the post of Gramin Dak Sevak (GDS for short). She is aggrieved by the inaction on the part of the respondents in not considering her claim for appointment as GDS-MD-II Vellayani P.O. and in taking steps for recruitment from open market by issue of notification dated 3.6.05 calling for applications for filling up the said post of GDS MD-II.

2. Shri Vishnu S.Chempazhanthiyil, learned counsel appeared for the applicant and Shri P.Parameswaran Nair, learned ACGSC appeared for the respondents.

3. When the matter came up before the Bench, learned counsel for the applicant submitted that in accordance with the instructions in Director General (Posts) letter No.17-141/88-EDC & Trg. dated the 6th June, 1988(A2), the Casual Labourers (both full and part-time) should be given preference in recruitment as Extra Departmental Delivery Agents(EDDAs for short), if they are willing, with a view to afford them a chance for ultimate absorption as Group 'D'. For this purpose the service of 240 days as casual labourer should be reckoned as one year service and they have to fulfill all other conditions of recruitment. Learned counsel for applicant also brought to our notice the earlier judgements of this Tribunal on identical issues wherein similarly placed part-time employees had approached this Bench of the Tribunal seeking preference in the matter of appointment as GDS. In O.A.534/03,571/01 and in O.A.3/05 this Tribunal held that the applicants therein had worked as Part-time Casual Labourers for long periods and therefore, they should be given the benefits contained in the DG(Posts) letter dated 6.6.88 and the recruitment from open market should be resorted to, only, if the applicants are found unsuitable for such appointment. In view of the above decisions of this Bench the counsel for applicant urged that the applicant in this O.A. is also entitled to the same benefit and that the notification issued by the respondents for recruitment from open market should be kept in abeyance.

4. We have heard the counsel on both sides and considered the matter. It is stated in the O.A.that the applicant has submitted a representation dated 13.6.2005 A6) to the 2nd respondent for considering her for the vacancy of GDS-MD-II at Vellayani P.O.which is not yet disposed of.

5. In the light of our judgements rendered earlier and the instructions of the DG

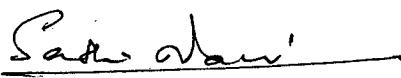
(Posts) referred to above, we are of the view that the applicant's case has to be considered first by the respondents by giving preference to the casual service rendered by her, before taking action to resort to open market recruitment.

6. Accordingly, we direct the 2nd respondent to consider the representation (A6) submitted by the applicant and dispose of the same in the light of our earlier judgements (A3) and the instructions referred to above and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. Till then the respondents are directed not to take any further action on the notice issued on 3.6.2005 for recruitment from open market.

7. O.A. is disposed of as above. No costs.


Dated the 24th June, 2005.

K.V.SACHIDANANDAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN