

**CENTRAL ADMINISTRATE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 500 of 2006

Friday, this the *20th* day of June, 2008

C O R A M :

**HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER
HON'BLE DR. K S SUGATHAN, ADMINISTRATIVE MEMBER**

K.P. Sasidharan Nair,
S/o. T.N. Gopinadan Nair,
(GDS MC Varabettu DO),
Substitute Postman, SPC, Calicut,
Residing at Thaniyulla Parambil House,
Kodiyangadu P.O., Via. Perambra,
Calicut.

... **Applicant.**

(By Advocate Mr. V. Sajith Kumar / Mr. P.A. Kumaran)

v e r s u s

1. Union of India, Represented by
The Secretary to the Government,
Ministry of Communications,
Department of Posts, Govt. of India,
New Delhi.
2. Senior Superintendent,
Department of Posts,
Office of the Sr. Supdt. of Post Offices,
Calicut – 2.
3. E.M. Augusthy, Postman,
Marikunnu Post Office, Calicut.
4. V. Kunhiraman,
Chowkidar/Group-D, C/o. ASP South Division,
Presently at Railway Station Post Office,
Calicut.
5. V. Jagajith,
Watchman, Head Post Office, Calicut. ... **Respondents.**

(By Advocate Mr. P.A. Aziz, ACGSC)

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The applicant is presently working as substitute Postman at the Speed Post Centre, Calicut. He is a Gramin Dak servant. Vide seniority list at Annexure A-3 the name of the applicant figures at Serial No. 18 and under column No. 8 'qualifications', it has been indicated that he has qualified in class V.

2. The grievance of the applicant is that despite this seniority, he has not been considered for the post of regular Postman whereas at least two of his juniors (Respondent Nos. 3 to 5) have been appointed as Postman on regular basis vide Annexure A-6. The applicant has preferred a representation dated 28.04.2006 followed by another one dated 7.06.2006 but these have been rejected on the ground that for selection to Group-D as prescribed in Group-D Postal Recruitment Rules, the qualification is middle standard pass and as the applicant does not possess that qualification, his case is rejected. Hence, this Original Application seeking the following prayer: -

- a. To quash Annexure A-1, Annexure A- 6 as also Annexure A-4 orders whereby promotion of juniors has been issued.
- b. For a direction to the second respondent to consider the applicant for the post of postman in the Seniority quota in preference to Respondents 3 to 5 without insisting on educational qualification and alternatively for a direction to the respondents to consider the applicant for promotion in the group D watchman at head post



office in preference to Respondent nos. 3 to 5.

2. The respondents have filed a counter and resisted the O.A. reiterating their stand in the rejection order that since the applicant did not possess the minimum qualification of having passed 8th Standard, he was not eligible to be appointed in Group D. Further according to them a relaxation in educational qualification is available to those who clear the departmental examination but the same is not available for those claiming a Group D under the 25 % seniority quota for which 8th pass is essential.
3. The applicant has filed his rejoinder stating that he had appeared in 10th Standard and failed and that should be taken as 8th Standard pass.
4. During the course of arguments the counsel for the applicant referred to the recruitment rules, and submitted that there are certain group D posts for which Primary school standard pass would suffice. If the applicant could not be considered for post man at least for the post of Chowkidar/Watchman etc. he should be considered. In other words the applicant is not pressing for other relief except relief relating to appointment as watchman etc.
5. Counsel for the respondents submitted that the applicant may be eligible for consideration for the post of Chowkidar but he cannot be considered for those Group-D posts for which 8th pass is the minimum qualification.

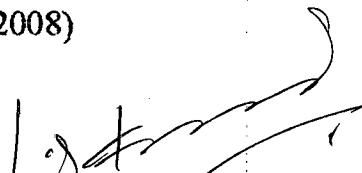
6. Arguments were heard and documents perused. By virtue of the fact that a statutory stipulation for promotion as postman including 8th pass as academic qualification, there is no question of the applicant being considered for the post of postman under Seniority quota. If the rules provide for a lesser qualification, for GDS to compete in the departmental test, the respondent may permit the applicant to appear in such tests subject to fulfilment of other conditions. In so far as the post of Chowkidar, Watchman, Safaiwala, Gardener/Mali etc. for which primary school standard pass is the minimum qualification prescribed. If the applicant fulfils the same, and other conditions being fulfilled, the applicant may be considered for the same, in the next available vacancy. If the applicant is not eligible, he may be suitably informed.

7. With the above directions, the O.A. is disposed off. No costs.

(Dated, the 20th June, 2008)



(Dr. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER



(Dr. K.B.S. RAJAN)
JUDICIAL MEMBER

cvr.