

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.521/2003

Dated Friday this the 22nd day of August, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. R.Sajeendran
S/o A.Raveendran Nair
GDS TM/MC, Nedumangad.
Residing at Biji Mandiram
Chellamcode,
Poovathoor P.O. - 695 561.
2. P.Albert
S/o S.Pathrose
GDSMD, Karipur B.O.
Residing at 'Hebron' House
Kokkothamangalam, Mundela P.O.
Vellanad
Thiruvananthapuram.
3. F.Saji
S/o C.Fensam
GDSMD, Pazhakutty S.O.
Residing at P.K.K.House
Chellamcode, Poovathoor P.O.
Pazhakutty.
4. P.Reghu
S/o K.Ponnan
GDS MD, Mancha P.O.
Residing at Ummancodu Thadatharikath Veedu
Mancha P.O.
Nedumangad - 695 541.
5. K.Sreekumar
S/o Kuttan Pillai
GDS BPM, Panayam
Residing at Charuvila Puthen Veedu
Panayam P.O.
Panavoor - 695 568.

Applicants.

(By advocate Mr.Sasidharan Chempazhanthiyil)

Versus

1. Superintendent of Post Offices
South Postal Division
Thiruvananthapuram.
2. Chief Postmaster General
Kerala Postal Circle
Thiruvananthapuram.
3. Union of India represented by
The Director General
Postal Department
New Delhi.

4. K.Sivarajan Pillai
GDSMD, Chettachal, working as
Postman, Nedumangad.

5. Chinnamma John
BPM Vattakarikkakom appointed as
Postman, Kaudiar. Respondents.

(By advocate Mrs.S.Chithra, ACGSC)

The application having been heard on 22nd August, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicants whose names appear in A-1 & A-2 lists of ED Agents who had expressed their willingness for being appointed on substitute arrangement on Group-D posts and Postman were on the basis of their seniority in the said two lists, appointed as per A-3 series as Postmen as also Group-D and they accordingly took charge. Their present grievance is that A-4 order dated 3.6.2003 has been issued calling for willingness of nine ED Agents including one Vasanthakumari Amma, whose names do not figure either in the A-1 or in the A-2 panel. The offer of appointment to these persons, according to the applicants, is unjustified because their names do not figure in the panel. Therefore, the applicants pray that the impugned order A-4 be set aside and the applicants may not be replaced by those whose names are mentioned in A-4. The applicants have jointly filed this application seeking the above reliefs.

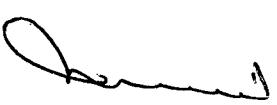
2. Respondents seek to justify the impugned order on the ground that while disposing OA Nos.768/02 and 60/03 by order dated 12.8.03, this Tribunal observed that the seniority of the willing ED Agents should be the criteria for making appointment to the post of Postman and Group-D, that in view of the order, the whole procedure was reviewed in a comprehensive manner, that there were many GD Sevaks who were senior to the GD Sevaks included in A-1 and A-2 and it was decided to address each and

every GD Sevaks of the division individually by registered post in accordance with their seniority with a view to ascertain whether they were willing to work in Group-D/Postman vacancies, that all the five applicants are junior to the junior most of the GD Sevaks mentioned in the impugned order and that therefore, the applicants cannot have any legitimate grievance. The present order has been issued only to undo the injustice meted out to the senior ED Agents who could not exercise options before preparing A1 & A2 for want of communication and to make available an opportunity to all the willing GD Sevaks in the light of the directions given by the Tribunal in the aforesaid order.

3. On a careful scrutiny of the materials placed on record, we do not find any infirmity in the A-4 order. The Tribunal while disposing OA Nos.768/02 and 60/03 by order dated 12.3.03 directed that in making appointment to the post of postman/Group-D on substitute arrangement, the senior most among the willing GD Sevaks should be considered and the seniority and willingness should be the criteria. It is not violative of any principles but is in conformity with the provisions of equality enshrined in Articles 14 & 16 of the Constitution. We do not find any infirmity in the action of the respondents. The applicants in this case are much junior to the junior most persons whose names figure in A-4 list.

4. In the light of what is stated, finding no merit in the application, the same is dismissed. No order as to costs.

Dated 22nd August, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

aa.


A.V. HARIDASAN
VICE CHAIRMAN