

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCHOA 55/05

.....Tuesday.....this the 7th day of March, 2006

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

- 1 Praseedha. M. W/o U.Radhakrishnan
Devi Kripa, West Village,
Perinkulam, Althur Taluk
Palakkad District.
GDS Branch Post Master, Perinkulam. 678542.
- 2 A.V.Sreekumar, S/o A.M.Vishnu Embrandhari,
Anikkad Illam,
Thenariparambu,
Pullode (PO)
Pudiyangam PO, Alathur Taluk,
Palakkad. GDS MC, Panniyamkara,
Palakkad-678683.Applicants

(By Advocate Mr. K.P.Dandapani)

V.

- 1 Union of India, represented by Secretary
Department of Posts, New Delhi.
- 2 Chief Postmaster General,
Trivandrum.
- 3 The Postmaster General,
Northern Region, Calicut.
- 4 Senior Superintendent of Post Offices,
Palakkad Division,
Palakkad.Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC)

The application having been heard on 16.2.2006, the Tribunal on 07.
3.2004 delivered the following:

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ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The 1st applicant is a Branch Post Mistress, Kattusery Branch Post Office under the 4th respondent since 18.1.2000. The second applicant is working as GDS Mail Carrier, Panniyamkara, Palakkad District under the Vadakkancherry Sub Office since 19.3.2001. The applicants have filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by their non-selection as Postal Assistants in Palakkad Division against the vacancies earmarked for Gramin Dak Sevaks (GDS for short). The respondents have issued the Department of Posts (Postal Assistants and Sorting Assistants Recruitment Rules, 1990 and the amendment rules of 1992, according to which some percentage of posts of Postal Assistants are earmarked for departmental candidates, namely, Postman and Group D officials of the department. The Rules further provide that the unfilled vacancies earmarked for departmental quota are to be filled from GDS who possess the qualification of 10+2 with three years minimum service and who are within the age limit of 35 years in the case of general candidates and 40 years in the case of SC/ST candidates. As regards method of selection, the amended rules provide that the GDS who have secured not less than 10 percent marks in comparison to the last open candidates (in the
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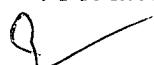
respective quota) are alone eligible for being considered for the unfilled departmental quota.

2 The first applicant secured 71.44 percentage of marks in the Higher Secondary Examination and she is working as GDS BPM at Kattussrey Branch. The second applicant secured 71.1 percentage in Degree examination and has been working as GDS Mail Carrier at Panniankara Branch Post Office w.e.f 19.3.2001. According to the applicants, the expression "marks of last direct recruit" referred to in the Recruitment Rules means marks inclusive of typing, computer and aptitude test and interview and not the marks in qualifying examinations. In support of their claim, the applicants have furnished a copy of Annexure A4 letter dated 17.11.97 calling for eligible GDSs to submit application in the prescribed proforma along with mark lists of PDC/10+2/12th Class with higher educational qualifications being duly attested and indicated that the marks obtained by the last candidates selected for direct recruitment in 1996 in O.C category is with 69% including marks for typing/computer/aptitude and interview.

The applicants have, therefore, contended that the index marks obtained by the direct recruits including marks for typing/computer/aptitude and interview shall be taken as the cut off marks for determining the eligibility of the GDS candidates for consideration against unfilled departmental quota of Postal Assistants in the present selection also. Once a GDS incumbent is found eligible by comparing his qualifying marks with that of the last

direct recruit candidates, he/she is required to compete among GDS candidates against the earmarked unfilled departmental quota. The third respondent has issued Annexure A5 letter dated 31.3.04 inviting applications for filling up departmental quota of unfilled vacancies in the PA/SA cadres by GDS for the year 2002 and it has been specifically provided that "only those GDS shall be eligible for being considered who have secured marks not below the marks secured by the last direct recruit of the relevant category selected as the case may be of other communities, SC,ST or OBC of the same year". In response to the said Annexure A5 letter the applicants have submitted their application. On finding that they were eligible for consideration, they were issued with the call letters inviting them to attend the aptitude test on 1.8.04. In the said test the direct recruit candidates have also participated. The applicants performed well in the aptitude test. However, immediately after the test, the applicants were not permitted to appear for computer test on the ground that they did not possess the certificate from approved institute on computer education.

3 The respondents in their reply have submitted that the Recruitment Rules of 1990 have been superseded by the Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 2002. According to the amended Recruitment Rules, the education and other qualifications required for direct recruits are as under:



- (i) "10+2 standard or 12th class pass of a recognized University or Board of School Education or Board of Secondary Education with English as a compulsory subject (excluding vocational streams).
- (ii) Knowledge of local language of the State concerned. The candidate should have studied the local language as a subject at least up to Matriculation or equivalent level."

The method of recruitment by direct recruitment as prescribed in column 11 is as under:

"(a) 50% by direct recruitment.

(b) 50% by promotion through a Limited Departmental Competitive Examination failing which the unfilled vacancies shall be offered to Gramin Dak Sevaks of the Recruiting Divisions or Units subject to their fulfilling the following conditions, and if vacancies remain unutilized by the Gramin Dak Sevaks, they shall be filled by subsequent direct recruitment of other open market candidates fulfilling the age and qualification conditions laid down in Columns 7 & 8:

(a) They possess the minimum educational qualification of 10+2 standard (Senior Secondary) (excluding Vocational Streams) and have put in a minimum service of 3 years.

(b) Only those Gramin Dak Sevaks shall be eligible for being considered who have secured marks, not below the marks secured by the last direct recruit of the relevant category selected, as the case may be, of other communities, scheduled castes, scheduled tribes or other backward classes of the same year.

(c) They should be within 28 years of age (33 years for Scheduled Castes or Scheduled Tribes communities and 31 years for Other Backward Classes community) as on the crucial date fixed for the direct recruitment of the same year.

Note: The procedure for recruitment shall be governed by the administrative instructions issued by the Department from time to time.

4 The respondents have ^{further} submitted that the following procedure for recruitment has already been prescribed in order No.60-36 93-PB dated 28.2.1995 (Annexure.R.2) issued by the Government of India, Ministry of Communications, Department of Posts, New Delhi in selecting the candidates:

(i) "A merit list of the candidates will be prepared on the basis of the marks obtained by them in aggregate after calculating the same in the manner indicated below. The aggregate will consist of 100marks only:

(a) The marks obtained by the candidates in 10+2/12th Class Examination will be given 40% weightage. For example, if a candidate has obtained says 70% marks in 10+2/12th Class, he would be awarded 40% of 70 ie., 28 marks for the purpose of preparing the Merit List.

(b) Five marks would be given for knowledge of typing at the minimum speed of 30 wpm provided the candidate produces a certificate to that effect from the coaching institute.

(C) Another 5 marks would be awarded to a candidate for data entry qualification in computers provided he produces a certificate from a concerned coaching institute.

(d) A merit list of all the candidates on the basis of the above 3 components would be prepared and 5 times the number of vacancies, the candidates would be called for objective type test as well as for the interview as mentioned in succeeding paragraphs.

(ii) After the above exercise is over, an aptitude objective type test is to be held. The test would consist of 30 questions of one mark each relating to general knowledge and reasoning. This component of selection process would carry 30% weightage. As such, full

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marks obtained by the candidate in this test would be taken into consideration for preparing the merit list. For this purpose, the question paper will be set at the circle level. The test to be given will be of one hour duration and reasoning as well as general knowledge would carry 15 marks each. The evaluation of the papers will also be done at the Circle Level. In order to ensure expeditious evaluation of the papers and also absolute perfection in the evaluation of the papers a Computer format may be prepared by the Circles and efforts may be made to scrutinize the answer papers through a computer as far as possible.

(a) 20% weightage will be given to the performance of the candidates in an interview to be held by an interview Board. To make the procedure simple, the interview would be of 20 marks.

(a) The Board will consist of the Head of the Division, Head of the neighboring Division and an officer nominated by the Circle office. One of the officers of the Board should be in Group A.

(b) One of the officers of reserved categories should be inducted in the Board as an Additional number in case, none of the officers of the Board belongs to the reserved category."

5 According to the Recruitment Rules, 2002, for consideration to the cadre of Postal Assistants, GDS should possess a minimum educational qualification of 10+2 standard or 12th Class pass of a recognized University or Board of School Education or Board of Secondary Education with English as a compulsory subject (excluding vocational streams) and should have put in a minimum service of 3 years. It also prescribes that only those who secures marks not below the marks secured by the direct recruit of the relevant category selected of the same year shall be eligible for being considered. The marks obtained by GDS in five components mentioned above will be compared with that of the last direct recruit

for deciding eligibility for being considered for selection. The respondents have admitted that the applicants were not permitted to take computer data entry examination for the reason that they were not holding the testimonials issued by the identified institutions. Though the first applicant appeared for the typing test, she did not qualify. The second applicant did not take the examination saying that he does not have the skill. The marks obtained by the first and second applicants are as under:

Name	Weightage for marks obtained in 10+2 or 12 th class	Aptitude test	Interview	Typing test	Computer data entry	Total
1st						
applicant	28.57/40	13.00/30	17./33/20	00/05	00/05	58.9/100
2nd						
applicant	28.44/40	21.00/30	13.66/20	00/05	00/05	63.1/100

The applicants being O.C candidates and marks obtained by the said OC candidates selected in the same year under the recruitment is 75.21 percentage which is far higher than the marks obtained by the applicants. According to them even if full marks for computer data entry examination is given they would not have been qualified for being considered.

6 We have heard Shri U.Balagangadharan for the applicants and Shri TPM Ibrahim Khan, SCGSC for the respondents. The main dispute raised by the Applicants in this OA is regarding the scope of the phrase "who have secured marks, not below the marks secured

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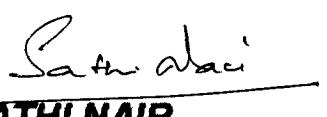
by the last direct recruit of the relevant category selected” appearing in Column. No.11 of the Recruitment Rules, 2002 and its application. The Applicants find fault with the manner in which the Respondents have filled up the departmental quota of unfilled vacancies in the PA/SA cadres by the EDAs for the year 2002. Their contention is that for the earlier selection held in 1997, vide Annexure.A4 letter dated 17.11.97, the Respondents had already announced that the marks secured by the last candidates selected for direct recruitment in 1996 in OC category was 69% which included the marks for typing/computer/aptitude and interview. For the current selection, similar Annexure.A5 letter dated 31.3.2004 was issued but the marks secured by the last candidate selected for direct recruitment was not indicated and the Respondents conducted the same test for Direct Recruits and the GDS incumbents simultaneously. The other issue raised by the applicants is that after having qualified the written test, they were not permitted to appear for the computer test. The Respondents in their reply have submitted that as in the case of Annexure.A4 letter dated 17.11.97, the Respondents have issued Annexure.A5 letter dated 31.3.2004 to call for applications from the eligible ED Agents in terms of the method of recruitment as prescribed in column 11 of the Recruitment Rules, 2002. In response to the said Annexure A5 letter, the Applicants have also submitted their applications. They were admitted for aptitude tests along with direct recruits. The Respondents have

compiled the marks obtained by both direct recruits and eligible ED Agents. The last direct recruit of the OC category selected secured 75.21% taking the aggregate in weightage of marks obtained in 10+2 in 12th class, aptitude test, interview, typing test and computer test. However, the marks obtained by Applicants No.1&2 were only 58.9% and 63.1% respectively, which is far below the marks obtained by the last direct recruit candidate in the same category. We do not find any infirmity in the selection process adopted by the Respondents. However, the action of the Respondents in not permitting the applicants to appear for the computer test on the ground that they did not possess the certificate from approved Institute on computer education is a debatable one. But the fact of the matter is that, as submitted by the respondents, even if the full 5 marks for computer data entry examination are also given to them, they would not have been securing the minimum marks 75.21 fixed in this selection. In view of the aforesaid facts and circumstances in this case, we do not intend to interfere with the selection held by the Respondents. The O.A fails accordingly and the same is dismissed. There will be no order as to costs.

Dated this the 7th day of March, 2006


GEORGE PARACKEN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN