

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 552 OF 2012

Tuesday, this the 21st day of August, 2012

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. K Satheesh, aged 35 years
S/o.R.Karunakaran Pillai
Postal Assistant, Vettoor P.O
Trivandrum North Division
residing at "Santhosh Bhavan"
Kedakulam, Hariharapuram P.O
Ayroor Varkala Via, Trivandrum District
2. M.D Bijumon, aged 35 years,
S/o.G Manikantan Pillai
Postal Assistant, Kilimanoor S.O
Trivandrum North Division
residing at "G.K Bhavan", Kottappuram
Mathira P.O, Kadakkal Via
Kollam District

... **Applicants**

(By Advocate Mr. Shafik M.A)

versus

1. Union of India represented by its Secretary
to Government of India
Department of Posts
Ministry of Communications
New Delhi
2. The Chief Postmaster General
Department of Posts
Kerala Circle
Thiruvananthapuram
3. The Senior Superintendent of Post Offices
Department of Posts
Trivandrum North Division
Trivandrum

... **Respondents**

(By Advocate Mr.S Jamal, ACGSC)

The application having been heard on 21.08.2012, the Tribunal on the same day delivered the following:



ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

1. When the matter came up for consideration today, it is agreed by both side that the Original Application itself can be disposed of in the light of the decided cases on the point similar to the one raised in the present Original Application. The applicants' pray for the following reliefs:-

" (i) To call for the records relating to Annexures A-1 to A-6 and to declare that the applicants are entitled to be reckoned as appointed to the cadre of Postmen with effect from February 2003, along with their batch mates and to revise the salary and allowances with effect from February 2003 and to revise the seniority of the applicants accordingly;

(ii) To direct the respondents to revise the salary & allowances of the applicants with effect from February 2003 and pay them the arrears with 12% interest and to revise the seniority in the cadre accordingly;

(iii) To grant all consequential benefits like admission to the provident fund and pension scheme prevalent in the year 2003; "

2. The applicants were originally Gramin Dak Sevaks, who on passing the relevant qualifying examination were appointed as Postmen and thereafter promoted as Postal Assistants. Thus they are now working as Postal Assistants. At the time of passing the Postman examination, there were unfilled vacancies in the Departmental Promotion Quota to be transferred to GDS and the same was kept in abeyance. The names of the applicants were notified for appointment to the cadre of Postman against the unfilled vacancies in the Departmental quota later. It was on the completion of one year, they were appointed as Postman. As a result, the applicants are out of the purview of CCS (Pension) Rules 1972 and are covered by the Contributory Provident Fund which came into existence on 01.01.2004. The others similarly situated who wrote the examination in GDS Merit quota and



appointed against the unfilled vacancies are similarly affected. They were included in the purview of the CCS (Pension) Rules, 1972. Since the representations in this behalf were not considered, the applicants have come before this Tribunal by filing the present Original Application. The issue is no longer res-integra between the parties as it is covered by the decision vide Annexure A-5 and similar other O.As.

3. The contention on behalf of the respondents is that the approval of the Director of Postal Services is required for diverting the unfilled vacancies under promotion quota to GDS merit quota. This contention however was over-ruled by this Tribunal in O.A 620/2003. The Tribunal found that the applicants in O.A 620/2003 are deemed to have been appointed as Postman on an earlier date with effect from 30.01.2003 and their pay be fixed notionally in the scale of Rs.3050-4590 while actual pay would be from the date they have assumed their charges and that their seniority shall also be accordingly fixed, of course, junior to those already appointed against the merit quota. The consequential relief viz., fixation of pay at higher stage on the date they have assumed the charges, payment of arrears of pay and allowances arising therefrom and annual increments, entitlement to pension as per the rules prevalent as on 30.01.2002 would all accrue. Suitable orders were required to be passed by the respondents for fixation of pay and allowances and make available the arrears of pay and allowances to the applicants within a period of four months from the date of communication of this order. That order was followed by this Tribunal in Annexure A-5 judgment in O.A 703/09.

4. Following the earlier decisions of this Tribunal, it is declared that



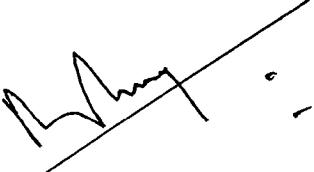
the applicants are deemed to have been appointed with effect from February, 2003 along with their batch mates and their pay be fixed notionally from February, 2003 with all other consequential benefits like, seniority, fixation of pay at higher stage on the date they have assumed the charges, payment of arrears of pay and allowances arising therefrom, annual increments, entitlement of pension and admission to provident fund as per rules prevalent in the year 2003. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, this Original Application is allowed as above. No costs.

Dated, the 21st August, 2012.



**K GEORGE JOSEPH
ADMINISTRATIVE MEMBER**



**JUSTICE P.R.RAMAN
JUDICIAL MEMBER**

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