

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.555/2009

Dated this the 28th day of OCTOBER, 2010

C O R A M

**HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER**

K.J Issac S/o Joseph
working as Gramin Dak Sevak Mailman
RMS Thrissur under the Head Record Office
RMS EK Division,Ernakulam ,Kochi-16
residing at Kannanthara House
Anchery PO, Society Road
Thrissur-680 006

...Applicant

By Advocate Mr E.D. George

Vs.

- 1 Senior Superintendent
RMS Ek Division, Ernakulam.
- 2 Chief Postmaster General
Kerala Circle,Thiruvananthapuram
- 3 Director General of Posts
Dak Bhavan,New Delhi
- 4 Union of India represented by
its Secretary, Ministry of Communications
Department of Posts
New Delhi.

Respondents

By Advocate Mr.Sunil Jacob Jose,SCGSC

The Application having been heard on 25.10.2010 the Tribunal delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a Gramin Dak Sevak having 22 years of service, is aggrieved by the inaction and inordinate delay on the part of the respondents in considering his claim for promotion to the cadre of Group-D as per the extant recruitment rules.

2 The applicant is working as GDS Mailman in the RMS Thrissur of EKM Division for more than 22 years. He is at Sl. No. 40 in the seniority list as on 29.12.2005, he is eligible for promotion and appointment to the Group-D post. According to him, there are more than 50 vacancies in the RMS Department. As per the Recruitment Rules of 2002, 75% of the vacancies are to be filled up by the GDS. Six persons were appointed as per orders of the Tribunal in O.A. 346/05, 16 persons are either not eligible being over aged or not in service. The applicant is at Sl. No. 21 in the seniority list (A-1). He has approached the Department several occasions for appointment but was told that he will be appointed soon. As he is nearing the upper age limit he has filed this O.A to appoint him before he attain the upper age limit, following the dictum laid down by the Tribunal in O.A. 312/2008 and connected cases.

3 The respondents in the reply statement stated that the vacancies of Group-D are filled up after assessing the workload as per norms and that the applicant in O.A. 346/2005 was appointed as Mailman as per the direction contained in the O.A as he was senior and as per his turn only. Hence, the applicant in this O.A. will be appointed as Group D in his turn after assessing the justification for filling up the posts as per the norms, regarding present workload.



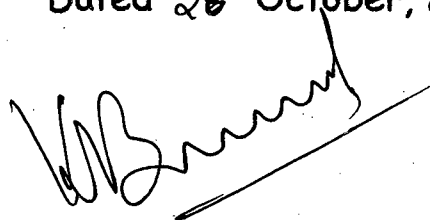
4 The applicant has filed rejoinder reiterating the averments in the O.A and contending that if the promotion was done without delay he would have got it very early.

5 The respondents filed additional reply statement stating that the decision of the Tribunal in O.A. 314/08, O.A. 312/08 and similar OAs are pending implementation. They further stated that the applicant is at Sl. No. 34 and that they have no objection to consider his case as per rules, in accordance with his seniority.

6 We have heard learned counsel for the parties and perused the records.

7 We have gone through the statement of the respondents in the reply/additional reply that the case of the applicant would be considered according to his seniority as per the Recruitment Rules 2002 and the orders of the Tribunal in O.A. 346/2005 etc. Therefore, we are of the view that this O.A can be disposed of following the orders of the Tribunal cited above directing the respondents to consider appointment of the applicant to the cadre of Group-D in his turn. We order accordingly.

Dated 20th October, 2010


DR. K.B. SURESH
JUDICIAL MEMBER


K. NOORJEHAN
ADMINISTRATIVE MEMBER