

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

OA 563/2005

Wednesday this the 14<sup>th</sup> day of March, 2007

**CORAM**

**Hon'ble Mr. George Paracken, Judicial Member**  
**Hon'ble Dr. K.S.Sugathan, Administrative Member**

D.Baby, aged 44  
W/o R.Krishna Prasad,  
Full Time Contingent Water Carrier/Sweeper,  
Returned Letter Office  
Thiruvananthapuram.-23  
residing at TC 51/2029,  
Sivakripa, Poozhikunnu,  
Industrial Estate PO, Pappanamcode. ....Applicant

(By Advocate Mr.G.Sasidharan Chempazhanthiyil

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- 1 The Manager,  
Returned Letter Office,  
Thiruvananthapuram.23.
- 2 The Chief Post Master General,  
Department of Posts, Kerala Postal Circle,  
Thiruvananthapuram.33.
- 3 Union of India, represented by its  
Secretary, Ministry of Communications,  
New Delhi. ....Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The application having been finally heard on 14.3.2007, the Tribunal  
on the same day delivered the following:


**ORDER**

***Hon'ble Mr. George Paracken, Judicial Member***

The applicant is a Full Time Contingent Sweeper/Water Carrier in the Returned Letter Office, Trivandrum (RLO for short). Her grievance is that though she was working as a Full Time Casual Labourer from 2.7.97, she was not appointed/regularized in Group 'D' post in test category or non-test category, though vacancies were available. According to the applicant, the Group 'D' vacancies in the RLO are being filled up by appointments/regularizations of Casual Labourer from some other units.

2 During the pendnecy of this OA, on the request of the applicant, the Tribunal directed the respondents to consider the applicant for provisional appointment on Group 'D' post, subject to the final outcome. The respondents have, therefore, considered the request of the applicant and passed the impugned Annexure.A9 order dated 9.11.05 which, of course is not in her favour. She has, therefore, challenged the same by amending the OA.

3 The facts are not in dispute. The applicant was engaged as a Part-Time Sweeper with effect from 1.2.93 and later on she was given Full Time work with effect from 24.7.97. She requested to appoint her as Group 'D' employee and made a number of representations in this regard. Copy of her representation dated 7.10.99 (Annexure.A3) is on record. She was informed vide Annexure.A4 letter dated 18.10.99 that her case will be considered in



her turn and subject to eligibility under the Recruitment Rules in force at the relevant time. Her contention is that RLO is an independent Recruitment Unit and she is the senior-most eligible candidate for appointment to the Group 'D' post in the Unit. Vide Annexure.A5 letter dated 29.4.02 she pointed out the existence of a vacancy in Group 'D' post due to the retirement of Smt.L.G.Syamalabai Amma on 1.10.2002. Again vide Annexure.A7 and A8 representations dated 19.1.05 and 1.2.05 respectively she pointed out two vacancies in Group 'D' post which have arisen on 1.1.04 and 1.9.05 on the retirement of one Shri R.Krishnankutty, Jamadar and Shri K.Gopalakrishnan, Daftary. The submission of the applicant is that the respondents are trying to fill up the vacancies by transferring Group 'D' employees from other units in an illegal manner and to artificially shift the vacancies to other units.

4 According to the respondents, the RLO is not a separate recruiting unit but it is an integral part of the Circle Office under the control and supervision of the Post Master General. The officer in charge of RLO is designated as Manager and he is responsible to the Post Master General for the entire work done in his office. According to the Department of Posts (Group 'D' posts) Recruitment Rules, 2002, 100% of the vacant posts are to be filled up by direct Recruitment and according to the instructions of the Department of Personnel and Training, all direct recruit vacancies are to be referred to the Screening Committee for their approval as to whether these

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vacancies should be continued or not. The Screening Committee, accordingly considered the vacancies which have arisen on 1.10.02 and 1.1.05 and recommended for their abolition. As regards the seniority of the applicant is concerned, respondents have submitted that Department has already drawn up a seniority list of casual labourers conferred with temporary status and who are eligible to be considered for appointment to Group 'D' posts arising in units in Trivandrum including Circle Office, Trivandrum and RLO Trivandrum. Out of the 23 names included in the list, last two officials, namely, Smt.G.Sarasamma and Smt.G.Savithri are temporary status casual labourers attached to the RMS, Trivandrum Division. Smt. Sarasamma had become Full Time casual labourer with effect from 8.1.85 and Smt.G.Savithri had become full time casual labourer with effect from 1.9.90 and the applicant had become full time casual labourer only with effect from 24.7.97. As Smt.Sarasamma and Smt.Savithri had been conferred with the temporary status and the applicant is not a holder of temporary status, the former two have a superior claim for absorption against the Group 'D' post than the applicant.

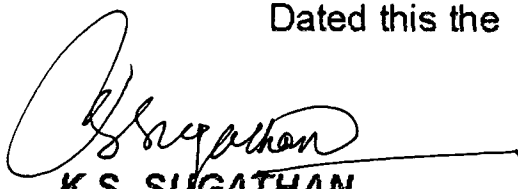
5 We have heard Smt. Jisha appearing on behalf of the Senior Central Government Standing Counsel for the respondents. As the counsel for the applicant was not available, we have perused the entire documents available on record. In our considered opinion, the allegations of the applicant that she is being ignored and other



Group 'D' employees from other units are appointed against the existing vacancies are ill-founded. It is the prerogative of the department to decide as to how many of the existing sanctioned posts should be retained and how many to be abolished. We see that a conscious decision was taken by the respondent department on the recommendation of the Screening Committee to abolish two of the vacancies of Group 'D' occurred in the RLO, Trivandrum. We do not find anything wrong in such a decision. Further, the applicant's claim that she is the senior-most among the eligible casual labourers for appointment on a Group 'D' post is also ill-founded as the RLO is not an independent seniority unit. It comes under the Circle Office, Trivandrum. She is way down in the seniority list.

6 In the above facts and circumstances of the case, we do not find any merit in the present OA and therefore, the same is dismissed. There shall be no order as to costs.

Dated this the 14<sup>th</sup> day of March, 2007

  
**K.S. SUGATHAN**  
**ADMINISTRATIVE MEMBER**

  
**GEORGE PARACKEN**  
**JUDICIAL MEMBER**