

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.606 OF 2010

Thursday, this the 12th day of January, 2012

CORAM:

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

L.Jayasree
Assistant Postmaster (Accounts)
Mavelikkara HO
Residing at Harisree, Vettuveni, Haripad ... **Applicant**

(By Advocate Mr. R.Sreeraj)

versus

1. Union of India represented by its Secretary
to Government of India
Ministry of Communications
Department of Posts
New Delhi
2. The Chief Postmaster General
Department of Posts
Kerala Circle, Trivandrum ... **Respondents**

(By Advocate Mr.M.K.Aboobacker, ACGSC)

The application having been heard on 12.01.2012, the Tribunal on the same day delivered the following:

ORDER

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

The applicant seeks the following reliefs:-

To declare that the proposed reversion of the applicant from the post of Assistant Postmaster (Accounts) is highly illegal, arbitrary, unjust, unreasonable irrational and the same violates Article 14 and 16 of the Constitution of India.

To direct the respondents not to revert the applicant from the post of Assistant Postmaster (Accounts) and to permit her to continue to work as Assistant Postmaster (Accounts).

To quash Annexure A-9 and A-10."

DR

2. The applicant is working as LSG APM (Accounts), Mavelikara. The applicant (one of the applicants in OA 81/08) along with others contended that they are similarly situated as applicants in O.A. 140/07. They were aggrieved by the refusal by the respondents to extend them the benefit of the order passed by this Tribunal in O.A. 140/07. They approached this Tribunal by filing OA 81/08. Annexure A-1 is the copy of the final order passed in the said OA. The OA was allowed and there was a declaration that the applicants in this OA are entitled to be considered by the DPC for promotion to the norm based LSG Accountant vacancies on the basis of the Recruitment Rules of 1976 if they are otherwise eligible, along with applicants of OA 140/07 in accordance with their inter-se seniority among the employees who have passed the relevant examination prescribed in the said Recruitment Rules. Subsequently another set of employees who were seniors to the applicant also approached this Tribunal in OA 723/08 and connected cases and a common judgment was rendered on 16.10.2009. A copy of the order is produced as Annexure A-5 and this Tribunal upheld their contention and directed as follows:-

"In our considered opinion when the present O.As are covered by the earlier O.A.Nos.140/07, 468/07 and 81/08, these O.As have to be allowed. Accordingly, we allow these O.As. The reversion of some of the juniors is nothing but the consequential effect of the order in the present O.As. Therefore, if any junior persons are to be reverted for promoting the seniors in these O.As, they shall be put to notice before any reversion orders are issued to them. With the aforesaid directions these O.As are allowed. There shall be no order as to costs."

3. Since the applicants herein are juniors they had to be reverted to accommodate the seniors. This is inevitable consequence upon the seniors getting promotion. Therefore, the Department issued notice, Annexure A-4 before the applicants were reverted. Subsequently,



Annexure A-9 and 10 were passed reverting the applicants. It is impugned in this OA. The only contention advanced by the applicant is that if promotion to LSG and HSG II norm based is done there will be sufficient vacancies to accommodate the applicant in the present post in order to avert the reversion. OA 323/09 and connected cases came for consideration and it was disposed of by order dated 01.11.2011 wherein the following directions were issued:

" 13. In our considered opinion, it would be in the interest of all concerned if seniority lists in respect of LSG and HSG-II posts in the Accounts Line are updated weeding out the names of those who are no longer in service and then all vacancies are filled up as per seniority and eligibility of the employees first in the HSG-II cadre and then in the LSG cadre in the light of the clarification dated 12.11.2002 (Annexure A-4 in OA 774 of 2010). The applicants should not be made to suffer for the failure of the respondents to carry out norm based promotion to LSG/HSG-II posts in terms of the relevant Recruitment Rules every year. Therefore, it is only fair and just that the applicants are granted norm based LSG Accountant/APM Accounts promotion with effect from the date of occurrence of vacancies yearwise according to their turn, for considering their eligibility to appear for the examination for promotion to the cadre of Postal Service Group-B 2009. Those applicants, who appeared for the above examination provisionally, who are found eligible to participate in the examination, and passed the same should be given promotion as per rules. Ordered so. The entire exercise should be carried out within a period of four months from the date of receipt of a copy of this order."

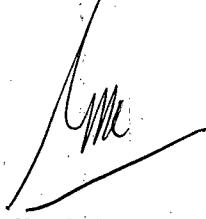
4. Accordingly, we are told that the revised seniority list has already been released yesterday. Whether the applicant will be in the zone of consideration is not a matter to be considered at this stage. The respondents, based on instructions submitted that the applicant will be considered in case she comes in the zone of consideration according to the revised seniority list. Further in accordance with the Directorate's letter dated 07.03.2011 to the effect that promotion to the cadre of LSG APM (Accounts) has to be made on the basis of seniority in the cadre of PA/SA, a revised seniority list PO & RMS Accounts has been drawn up and circulated.



5. In the circumstances, we direct that if after the steps taken by the Department, if the applicant's case is found to be within the zone of consideration, necessarily she will be considered to be retained in the post held prior to reversion. The position may be informed to the applicant as soon as the present steps are completed.

6. OA is disposed of as above. No costs.

Dated, the 12th January, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS