

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 586 of 2012
with

O.A. Nos. 618/12, 633/12, 635/12, 649/12, 650/12, 655/12, 660/12, 667/12,
701/12, 711/12, 737/12, 738/12, 751/12, 752/12, 766/12, 773/12, 780/12,
798/12, and 802/12

TUESDAY, this the 30th day of October, 2012

CORAM:

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

1. O.A. No. 586/2012

1. Sasikala K.K, D/o. Late K.V. Krishnan,
Postman, Kodungalloor Head Post Office,
Residing at Kuruppanvalath House,
Kottappuram (P.O), Kodungalloor – 680 667.
2. Prameela E, D/o. E. Haridas,
Postman, Irinjalakuda North (P.O),
Residing at Unniparambath House,
Vellangallur (P.O), Pin – 680 662.
3. Biji S., D/o. Subramanyan P.K,
Postman, Vellangallur (P.O),
Residing at Kalavampara House,
Moothakunnam (P.O),
North Paravur – 683 516. Applicants

(By Advocate Mr. O.V. Radhakrishnan, Senior with Mrs. K. Radhamani Amma)

Versus

1. Superintendent of Post Offices,
Irinjalakuda Division,
Irinjalakuda – 680 121.
2. Postmaster General,
Central Region, Ernakulam,
Cochin – 682 018.
3. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 001.
4. Director General Post,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.

5. Union of India, represented by its Secretary,
Ministry of Communications,
Department of Posts, New Delhi – 110 001. - Respondents

(By Advocate Mr. S. Jamal, ACGSC)

2. O.A. No. 618/2012

1. Jeemol V.N., W/o. Binish K.R.,
Postman, Plassanal – 686 579.
Residing at Vadakkekoithuruthil House,
Thudanganad (P.O), Muttom (via), Idukki.
2. Veena Velayudhan, D/o. K.S. Velayudhan,
Postman, Kottayam Collectorate – 686 002.
Residing at Veena Bhavan, Kidangoor South (P.O)
Kottayam – 686 583.
3. Seema V.P., W/o. Madhusoodhanan,
Postman, Puthuppally – 686 011.
Residing at Ankakalariyil House,
Meenadom (P.O), Kottayam – 686 516.
4. Sijimol K.T, W/o. P. Anilkumar,
Postman, Puthuppally – 686 011.
Residing at Kalayil Vadakkethil House,
Kongandoor (P.O), Kottayam – 686 564.
5. Sunitha C.A, W/o. Santhoshkumar G.,
Postman, Manarcaud – 686 019.
Residing at Kakkappallil House,
Neerikad (P.O), Kottayam – 686 564.
6. Sreejesh V. Soman, S/o. V.R. Soman,
Postman, Manarcaud – 686 019.
Residing at Valiyakallumkal House,
Mattakkara (P.O), Kottayam – 686 564.
7. Prathibha Gopinathan, W/o. Omanakuttan C.M.,
Postman, Gandhinagar, Kottayam – 686 008.
Residing at Type I, BSNL Quarters No. A/3,
Kudamaloor (P.O), Kottayam – 686 017.
8. Sajan S.B, S/o. Balakrishnan,
Postman N.S.P.C, Kottayam H.O. - 686 001.
Residing at Sajeev Bhavan,
Kallara South (P.O), Kottayam – 686 611.
9. Sunitha S, W/o. R. Harikrishnan
Postman, Vaikom H.O.,
Residing at Sreeragam House,
Chalapparambu, Vaikom (P.O),
Kottayam – 686 141.

10. Surya S., W/o. T.K. Rajeshkumar,
Postman, Udayanapuram (P.O),
Residing at Suryareshmi House,
Thekkenada, Vaikom (P.O) – 686 141.
11. Rajimol V.S., W/o. Amminikuttan K.K.,
Postman, Teekoy P.O – 686 580.
Residing at Kizhakkekara House,
Kadanad (P.O) – 686 653.
12. Jayasree V., W/o. T.N. Unnikrishnan Nair,
Postman, Kudassanad – 689 512,
Residing at Anjali, Muthukattukara,
Nooranad (P.O), Mavelikkara.
13. Sreejith Kumar S., S/o. Saseendran Nair K.S.,
Postman, Mulakuzha – 689 505,
Residing at Sreejith Bhavan,
Cheriyadanad (P.O), Chengannur.
14. S. Sheeba, W/o. S. Sreekumar
Postman, Mavelikkara H.O, Residing at
Sabu Nivas, Karippuzha (P.O),
Mavelikkara – 690 103.
15. K.K. Baby, S/o. Kurien N.J.
Postman, Kottayam H.O – 686 001.
Residing at Kuzhiyalil House,
Kongandoor (P.O), Ayarkunnam
Kottayam – 686 564.
16. K.S. Balachandran, S/o. Sankaran
Postman, Teekoy (P.O),
Residing at Keeriyathottathil,
Nadackal (P.O), Erattupetta.
17. Vinu. K.K., S/o. K.K. Kumaran,
Postman, Kadanadmeenathil,
Residing at Koottumkal,
Amanakara (P.O), Ramapuram,
Kottayam District – 686 576.
18. Sanil Kumar T.R., S/o. K.K. Kumaran,
Postman, Changanassery HPO,
Residing at Thundiparambil House,
Kurichi (P.O), Kottayam – 686 532.

Applicants

(By Advocate Mr. R. Sreeraj)

Versus

1. Union of India represented by the Secretary to the
Government of India, Ministry of Communications,
Department of Posts, New Delhi.

2. The Chief Postmaster General,
Department of Posts, Kerala Circle,
Trivandrum – 695 033.
3. The Senior Superintendent of Post Offices,
Department of Posts, Kottayam Division,
Kottayam – 686 001.
4. The Superintendent of Post Offices,
Department of Posts, Mavelikkara Division,
Mavelikkara – 690 101.
5. The Superintendent of Post Offices,
Department of Posts, Changanassery Division,
Changanassery – 686 101.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

3. O.A. No. 633/2012

1. M. Harish Khan, S/o. Mytheen Kannu,
Postman, Vallakadavu – 695 008.
Residing at Panayil Veedu, Kariyil,
Kazhakootam, Thiruvananthapuram – 695 582.
2. V.K. Unnikrishnan, S/o. Venugopalan Nair,
Postman, Vikas Bhavan – 695 033.
Residing at Ambadi, VRA- 66, M.G. Road,
Attingal, Thiruvananthapuram – 695 101.
3. S. Suja Chellan, W/o. P. Raju Chandran,
Department Stamp Vendor,
Pattom Palace (P.O) – 695 004.
Residing at T.C. 3/1115, Anjaneyam,
Vyasa Nagar, House No. 97, Pattom (P.O),
Thiruvananthapuram – 695 004.
4. S. Deepa, W/o. Rajendra Kumar,
Postman Vanchyoor – 695 035.,
Residing at Arapura Vila, Kudavoor (P.O),
Thiruvananthapuram – 695 313.
5. S. Asha, W/o. Saju V,
Postman, Vikas Bhavan – 695 033.
Residing at S.V. Raj Bhavan,
Bharathannur (P.O), Pangode,
Thiruvananthapuram – 695 609.
6. Lal Bhaskaran, S/o. Bhaskaran,
Postman, Vallakadavu – 695 008.
Residing at Raji Bhavan, Neyyattinkara,
Thiruvananthapuram – 695 121.

7. P.S. Narmada, W/o. G.P. Prijinath,
Postman, Thiruvananthapuram Fort – 695 023.
Residing at Narmada Bhavan, Kuttiyani.
Pandalacode (P.O), Vattapara,
Thiruvananthapuram – 695 028.
8. Benchima Chandra, W/o. Syam Sankar,
Postman, Karamana – 695 002.
Residing at Lalitha Nivas, Manali Villa,
Neyyattinkara (P.O), Thiruvananthapuram – 695 121.
9. M. Shuhrudeen, S/o. Muhammed Musthafa,
Postman, Vattiyoorkavu – 695 013.,
Residing at Bismi, Tharatta Road,
Kachani, Karakulam (P.O),
Thiruvananthapuram – 695 564.

- Applicants

(By Advocate Mr. Vishnu S. Cehmpazhanthiyil)

Versus

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
2. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram – 695 001.
3. The Superintendent of Post Offices,
Thiruvananthapuram South Postal Division,
Thiruvananthapuram : 695 001
4. Union of India, represented by its Secretary,
and Director General, Department of Posts,
Dak Bhavan, New Delhi – 110 001.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

4. O.A. No. 635/2012

M.R. Krishnankutty,
Mail Tasking Staff, Department of Posts,
Sub-Record Office, Kottayam.

- Applicant

(By Advocate Mr. Siby J. Monippally)

Versus

1. Union of India represented by
Chief Postmaster General,
Kerala, Trivandrum.
2. The Senior Superintendent,
Railway Mail Service,
Trivandrum Division, Trivandrum

- Respondents

(By Advocate Mr. S. Jamal, ACGSC)

5. **O.A. No. 649/2012**

Subramannian P.M, S/o. Kelu P.M
Postman, Calicut Civil Station Head Post Office,
Residing at Manavuthodikayil House,
Manassery (P.O), Mukkam,
Calicut District, Calicut.

- Applicant

(By Advocate Mr. V. Sajith Kumar)

Versus

1. Union of India represented by
Secretary to the Government,
Department of Post, Ministry of Communications,
Government of India, New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 101.
3. The Superintendent of Post Office,
Calicut Postal Division,
Calicut – 673 601.

- Respondents

(By Advocate Mr. S. Jamal, ACGSC)

6. **O.A. No. 650/2012**

Mahesh K, S/o. Raghavan C,
Postman, Thalassery Head Post Office,
Residing at C.K. House – 117 – Vattiprom,
Mangattidom (P.O), Koothuparambu,
Kannur District.

- Applicant

(By Advocate Mr. V. Sajith Kumar)

Versus

1. Union of India represented by
Secretary to the Government,
Department of Post, Ministry of Communications,
Government of India, New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 101.
3. The Superintendent of Post Office,
Thalassery Postal Division,
Thalassery – 670 102.

- Respondents

(By Advocate Mr. Pradeep Krishna, ACGSC)

7. O.A. No. 655/2012

K.G. Ajayakumar, S/o. K.G. Gopalakrishnanpillai,
Postman, Vakayar (P.O). Residing at
Keezhoottu House, Kalanjoor (P.O),
Pathanamthitta – 689 694.

- Applicant

(By Advocate Mr. R. Sreeraj)

Versus

1. Union of India represented by
The Secretary, Government of India,
Ministry of Communications,
Department of Posts, New Delhi – 110 001.
2. The Chief Postmaster General,
Department of Posts, Kerala Circle,
Trivandrum – 695 033.
3. The Superintendent of Post Offices,
Department of Posts, Pathanamthitta Division,
Pathanamthitta – 689 645.

- Respondents

(By Advocate Mrs. Deepthi Mary Varghesel, ACGSC)

8. O.A. No. 660/2012

1. R. Maheshkumar, Postman,
GPO, Thiruvananthapuram – 695 001.
Residing at GM Nivas, Thuruthi,
Thuruvikkal (P.O), Thiruvananthapuram – 695 031.
2. G. Geethakumary, Postman,
GPO, Thiruvananthapuram – 695 001.
Residing at Kalyani, Chathanpara,
Thottakkadu (P.O), Kallambalam (via),
Thiruvananthapuram – 695 605.
3. L.B. Sajineedevi, Postman,
GPO, Thiruvananthapuram – 695 001,
Residing at Prasanna Mandiram,
Alatharamoodu (P.O), Alamcode,
Attingal – 695 102.
4. V. Pradeesh, Postman,
Venganoor, Thiruvananthapuram – 695 523.
Residing at V.K. Nivas, Kidarakuzhi,
Venganoor, Vizhinjam – 695 523.

- Applicants

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

Versus

1. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram – 695 001.
2. The Superintendent of Post Offices,
Thiruvananthapuram South Postal Division,
Thiruvananthapuram – 695 036.
3. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
4. Union of India, represented by Secretary &
Director General, Department of Posts,
New Delhi -1. - Respondents

(By Advocate Mr. Varghese P. Thomas, ACGSC)

9. **O.A. No. 667/2012**
1. M. Sindhu, D/o. R.C. Mohan,
Working as Postman, Parur,
M.D.S., Residing at Kannappanthara,
Vachakkal, Edavanakad (P.O) – 682 502.
2. Asha A, W/o. V.B. Jayachandran,
Working as Postman, U.C. College (P.O),
Residing at Panchajanyam,
East Kadungallur, U.C. College (P.O) – 683 102.
3. Rajesh K.C., S/o. Chandran Pillai,
Working as Postman, Mannam – Parur,
Residing at Kannamparambil House,
Kadavath Road, N. Parur – 683 513.
4. K.S. Saleesh, S/o. K.P. Sivaraman,
Working as Postman, Moothakunnam,
Residing at Kadasseril House,
Chethikad, Kunjithai (P.O) – 683 522.
5. Anitha Unnikrishnan, D/o. Achuthan Pillai,
Working as Postman, Aluva H.P.O,
Residing at Perumittath House,
Munnulsemanna, Desom (P.O) – 683 002.
6. K.V. Maya, W/o. T.S. Suresh,
Working as Postman, Moothakunnam,
Residing at Thaikkoottathil, Vavakkad,
Moothakunnam – 683 516.
7. Anoop V.R., S/o. Ramachandran Nair,
Working at Postman, Aluva H.P.O,
Residing at Vazhappillil House,
Kunnukara (P.O) – 683 578.

8. Najeela V.P., W/o. Muhammed Ashraf,
Working as Postman, Aluva H.P.O,
Residing at Kalliparambil House,
Thaikkattukara – 683 106.

9. Bindu B. Nair, W/o. Anilkumar,
Working as Postman, Vazhoor,
Residing at Vathailurparambu,
Vazhoor (P.O) – 686 504.

10. Minimol P. Nair, W/o. K.B. Manoj,
Working as Postman, Kooraly
Residing at Kudumbiyamkuzhiyil,
Ponkunnam (P.O) – 686 506.

11. Archana Devi R., W/o. Rajesh,
Working as Postman, Thekkethukavala,
Residing at Kunnel House,
Inchiyani (P.O) – 686 512. - Applicants

(By Advocate Mr. P.C. Sebastian)

Versus

1. Union of India represented by the Secretary
to Government of India,
Ministry of Communications,
Department of Posts, New Delhi – 110 011.

2. The Postmaster General,
Central Region, Kochi – 682 018.

3. The Senior Superintendent of Post Offices,
Aluva Division, Aluva – 683 101.

4. The Superintendent of Post Offices,
Changanassery Division,
Changanassery – 686 101.

5. The Deputy General Manager,
M/s. Computer Maintenance Corporation Ltd.,
2nd Floor, Sector – 63, Noida – 201 301. - Respondents

(By Advocate Mr. S. Jamal, ACGSC)

10. O.A. No. 701/2012

P. Albith, S/o. Balakrishnan Nambiar,
Postman Payyoli Angadi (P.O),
Vadakara Postal Division,
Residing at Parambath House,
Pallikkara (P.O), Payyoli – 673 522. - Applicant

(By Advocate Mrs. R. Jagada Bai)

Versus

1. Union of India represented by
The Secretary to Government of India,
Department of Posts, Dak Bhavan,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.
3. The Superintendent of Post Offices,
Vadakara Division,
Vadakara – 673 101.

- Respondents

(By Advocate Mr. S. Jamal, ACGSC)

11. O.A. No. 711/2012

Rajamini C.P, Postman,
Thalassery Head Office, Thalassery – 670 101.
Residing at Pratheeksha, Chavassery (P.O),
Muttannoor, Kannur – 670 702.

- Applicant

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

Versus

1. The Superintendent of Post Offices,
Thalassery Division, Thalassery – 670 102.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
3. Union of India, represented by Secretary &
Director General, Department of Posts,
New Delhi – 1.

- Respondents

(By Advocate Mrs. Deepthi Mary Varghese, ACGSC)

12. O.A. No. 737/2012

1. Sujith P, S/o. P. Lakshmanan,
Postman Muzappilangad,
Residing at Cherukoth House,
Chettamkunnu, Thalassery – 670 101.
2. Sajesh P, S/o. P. Gangadharan,
Postman Temple Gate,
Residing at 'Sangeetha Nivas',
Pookode, Kannur – 670 691.
3. Sam Premjith, S/o. Rajagopalan,
Postman Kuthuparamba,
'Gurukulam', Poyilur – 670 650.

- Applicants

(By Advocate Mrs. R. Jagada Bai)

Versus

1. Union of India represented by
The Secretary to Government of India,
Department of Posts, Dak Bhavan,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.
3. The Superintendent of Post Offices,
Thalassery Division,
Thalassery – 670 102.

- Respondents

(By Advocate Mr. S. Jamal, ACGSC)

13. O.A. No. 738/2012

T.P. Sujith Kumar, S/o. T.P. Mukundan,
Postman Panoor, Residing at 'Devanganam',
Iratukulangara, Chittariparamba (P.O),
Kuthuparamba – 670 650.

- Applicant

(By Advocate Mrs. R. Jagada Bai)

Versus

1. Union of India represented by
The Secretary to Government of India,
Department of Posts, Dak Bhavan,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.
3. The Superintendent of Post Offices,
Thalassery Division, Thalassery – 670 102.

- Respondents

(By Advocate Mr. Millu Dandapani, ACGSC)

14. O.A. No. 751/2012

G. Sreela, W/o. Suresh Kumar, V,
Working as Postman, Edayaranmula
Sub-Post Office, Thiruvalla Division,
Residing at Elayidathu Srichakram,
Mulakuzha (P.O) – 689 505.

- Applicant

(By Advocate Mr. M.R. Hariraj)

Versus

1. Union of India represented by
The Secretary to Government of India,
Department of Posts, New Delhi – 110 001.

2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.

3. The Superintendent of Post Offices,
Thiruvalla Division – 689 101. - Respondents

(By Advocate Mr. A.D Raveendraprasad, ACGSC)

15. O.A. No. 752/2012

Surekha S, D/o. Surendran L,
Working as Postman, Poruvazhy Post Office,
Pathanamthitta Division,
Residing at Sumesh Bhavan, Enadhu (P.O),
Pathanamthitta District – 691 526. - Applicant

(By Advocate Mr. M.R. Hariraj)

Versus

1. Union of India represented by
The Secretary to Government of India,
Department of Posts, New Delhi – 110 001.

2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.

3. The Superintendent of Post Offices,
Pathanamthitta Division – 689 645. - Respondents

(By Advocate Mr. Millu Dandapani, ACGSC)

16. O.A. No. 766/2012

1. T.S. Sreeja, W/o. Pramod,
Postwoman, Irinjalakuda H.O,
Irinjalakuda Division, Residing at
"Thachamkulam House", Changaloor P.O,
Trichur District – 680 312.

2. V. Govindan, S/o. Narayanan,
Postman, Alagappanagar (P.O),
Irinjalakuda Division, Trichur.
Residing at "Mullakara House",
Muttithady (P.O), Kalloor via,
Trichur District – 680 319.

3. A.C. Jaison, S/o. Chakku,
Postman, Nellayi (P.O),
Irinjalakuda Division, Trichur,
Residing at "Appathuparambil House",
Nellayi, Trichur District – 680 305.

4. K.P. Alice, W/o. C. J. Rajan,
Postwoman, Chalakudy (P.O),
Irinjalakuda Division, Trichur,
Residing at "Chirammal Vadakkan House",
Chalakudy (P.O), Trichur – 680 307. - Applicants

(By Advocate Mr. Shafik M.A.)

Versus

1. Union of India represented by
The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 533.
2. The Superintendent of Post Offices,
Irinjalakuda Division, Irinjalakuda. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

17. O.A. No. 773/2012

Rajesh C, S/o. Janardhanan,
Now working as Naik Postal Operator (On deputation)
1, Central Base Post Office, C/o. 56, A.P.O,
Permanent residence at Chittazhi House,
Velur (P.O), Thrissur – 680 601. - Applicant

(By Advocate Mr. P.C. Sebastian)

Versus

1. The Union of India represented by
The Secretary, Government of India,
Ministry of Communications,
Department of Posts, New Delhi – 110 011.
2. The Senior Superintendent of Post Offices,
Thrissur Division, Thrissur – 680 001.
3. The Commandant, Central Base Post Office,
PIN- 900 056, C/o. 56, Army Post Office.
4. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695 033.
5. The Deputy General Manager,
M/s. CMC Ltd., A-61/A, 2nd Floor,
Sector 63, Noida – 201 301. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

18. O.A. No. 780/2012

1. Bindhu R.S, W/o. Leela Krishnan Nair,
Postman, Mangad (P.O), Residing at
Tharameel House, Muttakka,
Nedupana (P.O), Kollam – 591 580.

2. K. Harikumar, S/o. Kunju Krishnan Pillai,
Working as Postman Kilokollur, Kollam – 691 004,
Residing at Vidhya Bhavan,
Neendakara (P.O) – 691 582. - Applicants

(By Advocate Mr. V. Sajith Kumar)

Versus

1. Union of India represented by
Secretary to the Government,
Department of Post, Ministry of Communication,
Government of India, New Delhi – 110 001.

2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.

3. The Senior Superintendent of Post Office,
Kollam Postal Division, Kollam – 691 001. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

19. O.A. No: 798/2012

N.V. Venugopalan, S/o. Velayudhan,
Postman, Koratty Post Office,
Irinjalakuda Division, Residing at
Nedussery House, Alathur (P.O),
Annanada, Thrissur District – 680 741. - Applicant

(By Advocate Mrs. Rekha Vasudevan)

Versus

1. Union of India represented by
The Secretary to Government of India,
Ministry of Communications,
New Delhi – 110 001.

2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.

3. The Senior Superintendent of Post Offices,
Irinjalakuda Division, Irinjalakuda,
Thrissur - 680 121. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

20. O.A. No. 802/2012

Suresan P.V., Postman,
Padne S.O, Kasargode – 671 312.
Residing at Orie, Padne Post,
Kasargode – 671 312. - Applicant

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

Versus

1. The Superintendent of Post Offices,
Kasargode Division, Kasargode – 671 121.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695 033.
3. Union of India, represented by
Secretary & Director General,
Department of Posts, New Delhi - 1.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

These applications having been heard on 11.10.12, the Tribunal on
30-10-12 delivered the following :

O R D E R
HON'BLE MR. K GEORGE JOSEPH, ADMINISTRATIVE MEMBER

These O.As, having common facts and issues, were heard together and are disposed of by this common order.

2. The applicants in these O.As have been denied permission to participate in the examination held on 09.09.2012 for promotion to the post of Postal Assistants/Sorting Assistants on the ground that they fall short of 3 years regular service in Pay Band-I of Rs. 5200-20200 with Grade Pay of Rs. 2000/- as on 01.01.2012 in the cadre of Postman. The applicants in O.A. No. 586/2012 have sought following reliefs:

- (i) To declare that the applicants 1 to 3 are entitled to get promoted to the cadre of Postman retrospectively with effect from the date of their due turn and entitlement against the vacancies of the year 2006/2007 and to get full service benefits from the respective dates of their promotions and also are entitled to reckon their qualifying service for taking the departmental examination for promotion to the post of Postal Assistant slates for 09.09.2012 with attendant full service benefits;
- (ii) To declare that applicants 1 to 3 are legally entitled to take part in the departmental examination for promotion to the post of

Postal Assistant/ Sorting Assistant scheduled to be held on 09.09.2012 in view of the declaration of law made by this Hon'ble Tribunal in Annexure A-12;

- (iii)Issue appropriate direction or order directing the respondents to grant full service benefits admissible to the applicants 1 to 3 consequent on their retrospective promotion to the cadre of Postman against the vacancies of the year 2006/2007 including fixation of pay, due annual increments, arrears of pay, seniority etc. and to disburse the arrears of pay due on notional fixation of pay and allowances within a time frame that may be fixed by this Hon'ble Tribunal.
- (iv)To issue appropriate direction or order, directing the respondents to allow the applicants 1 to 3 to take part in the departmental examination for promotion to the post of Postal Assistant/Sorting Assistant scheduled to be held on 09.09.2012 or on a deferred date pursuant to Annexure A-8 and to consider their candidature on merits and to promote them to the post of Postal Assistant/Sorting Assistant in the order of their merit.
- (v)To grant such other reliefs which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case; and
- (vi)To allow the above O.A with cost to the applicants.

3. Similar reliefs have been sought in the connected O.As.
4. The applicants contended that they were promoted as Postman against the vacancies of the year 2006/2007 or as the case may be. Their promotion was delayed only due to the delay in conducting the departmental examination for promotion by the department. The applicants are in no way responsible for the delay. Had the examinations were held at the right time, they would have got the required length of service or more in the feeder cadre for being eligible to take part in the examination for promotion to the post of Postal Assistant. They are entitled for appointment as Postman with effect from the date of occurrence of vacancies of Postman against which they were appointed and to reckon their qualifying service for appearing in the

departmental examination on 09.09.2012 with all attendant service benefits. They relied on the judgement of the Hon'ble Supreme Court in *Union of India vs. Vipin Chandra Hiralal Shah*, (1996) 6 SCC 721, the orders of this Tribunal in O.A. No. 620/2003 and O.A. No. 849/2010 and connected cases and so on.

5. Per contra, the respondents contended that the applicants are not eligible to appear for the examination for the post of Postal Assistant on 09.09.2012 for want of 3 years regular service in the feeder cadre. There has not been any deliberate delay on the part of the respondents in appointing the applicants as Postman. Just because the applicants have not attained the prescribed 3 years regular service of postman, they cannot claim retrospective appointment as Postman. In the order in O.A. no. 849/2010 and connected cases, this Tribunal was not inclined to grant any such benefits to the applicants other than directing to count the notional service for the purpose of counting qualifying service for appearing in the LGO examination. No employee has a right to promotion but only a right to be considered for promotion as held by the Hon'ble Supreme Court in *Syed Khalid Rizvi vs. Union of India*, (1993) Supp.3 SCC 575. The case of the applicants cannot be compared with that of Gramin Dak Sevaks who were appointed to the cadre of Group-D on the basis of the judicial pronouncements by the Hon'ble High Court of Kerala and this Tribunal to the effect the appointment of the GDS to Group-C post by way of promotion and not by direct recruitment. Similar status cannot be claimed by the present applicants for appointment as Postman. The respondents cannot conduct the examination every year due to administrative issues. They also relied on the order of this Tribunal in O.A. No. 145/2010 in support of their contention that the applicants cannot have an indefeasible right to promotion.

6. We have heard the learned counsel for the parties in respective O.As and perused the records.

7. Except the applicants in O.A. Nos. 635/12, 773/12 and 798/12, all other applicants were granted interim orders enabling them to appear for the examination on 09.09.2012.

8. During hearing, only the issue of notional service in the Postman cadre from the date of occurrences of vacancies against which the applicants were promoted as Postman for the purpose of counting qualifying service for appearing in the LGO examination for promotion as Postal Assistants/Sorting Assistants on 09.09.2012 was pressed. Accordingly, only the said issue is taken up for consideration.

9. The order of this Tribunal dated 21.09.2011 in O.A. No. 849/2010 and connected cases squarely covers the issue of counting the notional service for the purpose of counting qualifying service. The relevant part of the order in the above O.A is extracted as under:

"13. As per the Recruitment Rules for promotion of Lower Grade Officials (LGOs) to the cadre of Postal Assistant/Sorting Assistant, all departmental LGOs below the grade of PAs/SAs who are permanent and who have rendered no less than three years of regular service in the lower grade as on the date of notification are eligible to appear for the examination. The applicants are falling short of the required 3 years of regular service by a few days to more than 1 or 2 years. Had the examinations for the post of Postman were held in time, they would have got the required number of years of regular service. The unintentional delay in conducting the examinations due to various administrative reasons cannot be attributed to the applicants. It is admitted by the respondents that there was delay in holding the examinations for promotion to the post of Postmen. The applicants are the unintended victims of the delay on the part of the department. In 1991 Supp (2) SCC

363, the Hon'ble S.C held that "the mistake or delay on the part of the department, therefore, should not be permitted to recoil on the appellants".

14. The delay on the part of the Department of Posts has resulted in the loss of eligible service for the applicants and denial of permission to appear for the examination for promotion. In the factual situation of the cases before us, the denial of permission to appear for the examinations, though technically correct, is unjust and unfair. The Apex Court in State of Maharashtra Vs. Jaganath Adiyut Karanadiker reported in 1989 SCC (L&S) 417 held that "it would be unjust, unreasonable and arbitrary to penalise a person for the default of the Government to hold the examination every year." In AIR 1977 SC 1868, the Hon'ble Supreme Court held as under :-

6. *The appellant has a future and hopefully looks forward for promotion. It is, in our view, right and reasonable that for purposes of promotion, seniority will be reckoned from 20th December, 1967 but for qualifying period, if there is such a condition for promotion, his notional service from 1st January, 1959 will be considered.* Of course, we need hardly say that this order will not affect adversely the seniority of those who have been appointed as traffic inspectors prior to 20th December, 1967. In the situation arising in the case, the respondent will pay the costs of the appellant in this Court. The appeal is allowed on the above lines.

(emphasis supplied)

15. Following the ratio of the above decisions of the Hon'ble Supreme Court the applicants in the present cases can be given the benefit of notional service from the date of occurrence of vacancies for the purpose of qualifying period for writing the examination for promotion.

16. The contention of the respondents that even if notional service is granted to the applicants, it would not amount to the regular service stipulated in the Recruitment Rules is wrong. What is prescribed is regular service, not actual service. As per settled law notional service is to be treated as regular service for counting qualifying period.

17. We do not find any illegality as far as fixing the cut off date for counting qualifying period, one month before the date of the examination. The grievance of the applicants in O.A.849/10 will be redressed, when they are granted notional service from the date of occurrence of the vacancies against which they are appointed.

18. In the light of the above, we declare that the applicants in the instant O.As are entitled to be granted the benefit of notional service from the date of occurrence of vacancies against which they are posted as Postmen for the purpose of counting qualifying period for appearing for the examination for promotion as P.A/S.A held on 10.10.2010. The

respondents are directed to publish the result of the examination in respect of the applicants and to promote those who have cleared the examination, as P.A/S.A as per rules, within a period of 60 days from the date of receipt of a copy of this order.

19. The O.As are allowed to the above extent. No order as to costs."

10. Following the decision of this Tribunal as above, we declare that the applicants in the instant O.As are to be granted the benefit of notional service in the cadre of Postman from the date of occurrences of vacancies against which they were posted as Postman for the purpose of counting qualifying period for appearing for the examination for promotion as Postal Assistants/Sorting Assistants held on 09.09.2012 and hereafter. The respondents are directed to publish the result of the examination held on 09.09.2012 in respect of the applicants who have taken part in it on the strength of the interim orders and promote those who have passed the examination as Postal Assistants/Sorting Assistants as per rules within a period of two months from the date of receipt of a copy of this order.

11. The O.As are allowed as above with no order as to costs.

(Dated, the 30th October, 2012)

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(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

sdl-
(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

cvr.