

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 88 of 2009

Tuesday, this the 8th day of December, 2009

CORAM:

***HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER
HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER***

S. Chandramohanan Pillai,
S/o. Sivarama Pillai,
GDMD/MC, Mynagapally North,
Karunagapally Sub Division,
Kollam Division,
Residing at Thanickel Veedu,
Kidagayam Kunninmel,
North Mynagapally, Kollam District ... Applicant.

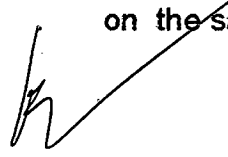
(By Advocate Mr. V. Sajith Kumar)

v e r s u s

1. Union of India represented by
The Secretary to the Government,
Department of Post,
Government of India, New Delhi.
2. The Senior Superintendent,
Kollam Postal Division, Kottayam.
3. The Postmaster, HSG-1,
Karunagapally Head Post Office,
Kollam District.
4. K. Vijayan, GDSMP/MC,
K.S. Puram, Officiating Group 'D',
Karunagapally Head Post Office,
Kollam District.
5. B. Aravindakshan Pillai, Officiating Group 'D',
Karunagapally Head Post Office,
Kollam District. ... Respondents.

[By Advocates Mr. Sunil Jacob Jose, SCGSC (R1-3) and
Mr. V.V. Suresh (R-4)]

The Original Application having been heard on 08.12.09, this Tribunal
on the same day delivered the following :



O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER


The applicant who commenced his services as G.D.S. with effect from 02-09-1991, on finding a vacancy in Group D post made a representation for being accommodated against that post, vide Annexure A-2 representation dated 14-11-2007. While the applicant's name figured in the seniority list of G.D.S at Serial No. 29, at least two persons at Serial No. 32 and 50 were found to have been permitted to officiate as Group D. On review, the second respondent permitted the applicant to replace the fourth respondent (junior to the applicant) and engage the applicant vide Annexure A-4. Charge report is at Annexure A-5. Thus, the applicant was accommodated against a retirement vacancy which remained unfilled w.e.f. 31-03-2006. The fourth respondent who was junior having joined as G.D.S only in 2002, had to be back as G.D.S. However, suddenly on 10-02-2009, the applicant was issued with the Annexure A-1 termination order, presumably to accommodate again respondent No. 4. No reason had been spelt out in the said Annexure A-1 termination order. By an interim order dated 24-02-2009, the respondents were directed to verify the records to see whether juniors to the applicant have been engaged in Group D and if so, the applicant shall be allowed to function as Group D. On the basis of the said order the applicant had been engaged as Group D and the fourth respondent herein who was given officiating post of Group D was asked to revert back as G.D.S. Order dated 17th March, 2009 of the Postmaster Karungappally refers. The applicant joined the said post as Group D vide Charge Report dated 20-03-2009 (Annexure R-7).

2. The fourth respondent filed an M.A. No. 230/2009 asking for stay of order dated 17th March, 2009, but the M.A. was dismissed by order dated 20-03-2009.

3. Official respondents have filed their counter explaining the above sequence of events. Their contention is that there is no dispute over the seniority of the G.D.S. However, engagement of G.D.S in the post of Group D on extra cost arrangement is not made on the criteria of seniority alone. Willingness of the officials is also taken into consideration. When one group D post had fallen vacant w.e.f. 01-10-2008, the Postmaster, Karungappally H.O. Issued call letters to 4 G.D.S. In his sub Division including the applicant but the applicant did not reportedly join. It has also been stated, "Shri S. Chandramohanan Pillai had opted to officiate as Group D in Karunagapally Sub Division as per the seniority list of willing GDS vide letter No. BB/44/2008 dated 28-04-2008. In view of this, claim of Shri S. Chandramohanan Pillai, may be considered for any other post if he applies for, where purely outsider engagements are made or to vacant posts, which are likely to arise avoiding displacement of a working GDS."

4. When the case came up for hearing, counsel for the applicant stated that under the present arrangement the applicant has been functioning as an officiating group D, while one of the private respondents (junior to the applicant) has been functioning as Postman. As such, this arrangement may continue till post of Group D is filled on regular basis as per rules, on the basis of seniority and with this observation, the OA may be disposed of. Respondents have no such objection to the same.

5. In view of the above, this OA is disposed of with the observation that the present arrangement of applicant officiating in a Group D Post shall continue till the post is filled on regular basis as per the existing procedure/rules on the basis of seniority. If any modification in respect of such posting is justifiably



contemplated by the respondents, they are at liberty to move the Tribunal through an M.A. in this O.A. which would be considered on merits.

6. No costs.

(Dated, the 08th December, 2009)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



Dr. K B S RAJAN
JUDICIAL MEMBER

Cvr.