

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 104 of 2011

Thursday, this the 17th day of March, 2011

CORAM:

Hon'ble Mr.George Paracken, Judicial Member
Hon'ble Ms.K.Noorjehan, Administrative Member

Sudhakaran Kani.A, GDSMD,
 Kottoor P.O, Kuttichal.S.O,
 Residing at A.S Bhavan, Plavatty
 Kottoor P.O, Thiruvananthapuram – 695 574

Applicant

(By Advocate – Mr.Joby Cyriac)

V e r s u s

1. The Chief Postmaster General
 Kerala Circle, Thiruvananthapuram
 Pin – 695 014
2. The Director of Postal Services (Head Quarters),
 Office of the Chief Postmaster General
 Kerala Circle, Thiruvananthapuram
 Pin – 695 014
3. The Superintendent of Post Offices
 Thiruvananthapuram South Division,
 Thiruvananthapuram – 695 014

Respondents

(By Advocate – Mr.A.D Raveendra Prasad, ACGSC)

This application having been heard on 17.3.2011, the Tribunal
 on the same day delivered the following:

O R D E R

By Hon'ble Mr.George Paracken, Judicial Member

1. The applicant is presently working as GDS MD in Kottoor Post Office. He entered service as an Extra Departmental Mail Deliverer Agent on 03.04.1990.

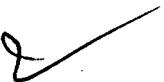


He belongs to the Scheduled Tribe Community.

2. According to the existing Recruitment Rules, the appointment of GDS to Group D is treated as direct recruitment. However, this Tribunal vide its order dated 15.12.2008 in O.A 312/08 and connected cases held that appointment of GDS as Group D is to be considered as a promotion and not as direct recruitment and as such approval of the Screening Committee is not required to fill up the posts of Group D. Although the said O.As were challenged by the respondents in Hon'ble High Court, the same was dismissed vide its common judgment dated 23.12.2009 in WP(C) 32491/09 and other connected cases.

3. Thereafter, the respondents have implemented the aforesaid order of this Tribunal. They have identified total of 327 posts across the Kerala Circle for the period from 2002 to 2008. In Trivandrum South Division, where the applicant is working, 12 posts were identified for the period from 2002 to 2008 and out of them they have filled up 11 posts on the basis of seniority of GDS/casual labourers from the among eligible GDS/Casual Labourers. Since sufficient number of persons were not available in the quota fixed for casual labourers one post was kept vacant. According to the applicant, the last person who was appointed from the Gradation list of eligible GDS was one Shri S.Vikraman at Serial No.42.and his postion is at Serial No.302.

4. As regards the claim of the applicant as the senior most candidate belonging to ST category, the respondents submitted that when the year-wise position of the working strength of Trivandrum Division was taken into consideration, it was seen that after raising the percentage of reservation of ST candidates to 7.5%, there was sufficient representation of the persons under ST category and accordingly they have filled up the entire quota available for the ST category. According to the summary of the reserved category as on 31.12.2008 given by the respondents, the total strength was 34 and the number of ST



3.

candidates required was 02 and the number of ST candidates available in the cadre was 02.

5. We therefore, find that there is no merit in the contention of the applicant to consider him over and above the quota. Since the applicant is senior most among the ST category, no doubt, the respondents shall consider him for appointment against the next available vacancy earmarked for the ST category candidates. This Original Application is therefore dismissed. No costs.

(Dated this the 17th day of March, 2011)


(K. NOORJEHAN)
ADMINISTRATIVE OFFICER


(GEORGE PARACKEN)
JUDICIAL MEMBER

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