

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA NO. 155/2005

THURSDAY THIS THE 7th DAY OF DECEMBER, 2006.

C O R A M

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER**

M. Gopalakrishnan Nair
S/o late Madhavan Nair, Postman
Thattamala Sub Post Office,
Kollam Division
residing at Gokulam, Thazhuthala
Kottayam P.O.
Kollam District-691 571

.. Applicant

By Advocate Mr. Shafik M. A.

Vs.

- 1 Union of India represented by Secretary
Department of Posts/Director general
Ministry of Communications,
New Delhi.
- 2 The Chief Postmaster General
Kerala Circle, Trivandrum
- 3 The Assistant Superintendent of Post Offices
Quilon Sub Division, Quilon

By Advocate Mrs. Aysha Youseff, ACGSC

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant in this OA joined the Postal Department as an Extra Departmental Delivery Agent (EDDA) for short and while working as such was selected for appointment as Postman as per Memo dated 20.9.83 issued by the 3rd respondent. He was after successful training posted as a Postman and joined the Quilon Head Post office on 30.11.83. Thereafter he was posted as a leave reserve Postman attached to Vadakkevila Post office with effect from 31.12.83 and worked up to 10.3.84. He was reverted to the post of EDDA with effect from 11.3.84 allegedly without notice and without assigning any reasons. Subsequently when several vacancies arose also, the applicant was forced to continue as EDDA. After repeated requests, he was finally posted as Postman on a regular basis with effect from 19.12.87. After the regular appointment he had submitted regular representations requesting for regularisation of the intervening period between the reversion and regularisation and to grant consequential benefits. One such representation has been rejected by the Annexure A-1 memo. Hence this OA.

2 The following are the grounds on which the applicant rests his case.

- (i) The applicant was posted as Postman on 30.11.1983 after subjecting him to an examination and a training and the

reversion on 11.3.1984 was without any justifiable reason or notice.

(ii) Even if the date of 19.11.89 is taken into account the applicant is entitled to Time Bound Promotion with effect from 19.12.2003 on completion of sixteen years.

3 The respondents have filed a reply statement. They have submitted that the applicant joined as an LR Postman at Kollam HPO with effect from 1.12.83 and was working when the Department issued the Time Bound Promotion Scheme and on basis of the scheme 5% and 15% reduction in posts were ordered in the cadres of Postman and supervisory Postmen. Seven juniormost postmen including the applicant were reverted in Kollam Postal Division. Thereafter he could be absorbed into the regular vacancy of postman with effect from 19.12.87 only. The qualifying service for promotion is to be reckoned from his date of regular appointment as Postman with effect from 19.12.87. Accordingly he has been promoted under the TBOP scheme with effect from 23.01.2004 in Annexure-R1 order. The applicant's contention that several persons were appointed overlooking the seniority of the applicant is not correct as the applicant's position in the seniority list is at Sl. No 17 and his juniors were appointed in regular vacancies in 1988 only whereas he was appointed on 19.12.1987. By Annexure A1 order his request for regularisation from 30.11.83 only has been rejected as he was appointed on regular basis after reversion only in 1987.

4 The applicant filed a rejoinder stating that the cancellation of the earlier appointment was for extraneous considerations and no post in Kollam sub division was ordered to be abolished in Annexure R-3 order and also contesting the seniority position as averred by the respondents.

5 The respondents filed an additional reply statement pointing out that the applicant was appointed only as a temporary leave reserve Postman . The gradation list of Postmen is maintained Division basis and not on sub divisional basis. The reversion was effected on the basis of strength of Postman cadre in the entire Postal Division. Even according to the seniority produced by the applicant in Annexure A-5 no candidate lower in rank to him were placed above him and the only appointments made were on compassionate grounds as per Annexure R-5 instructions. The applicant filed a additional rejoinder more or less repeating the same arguments as before.

6 We heard Learned Counsel Sri Shafiq M.A for the applicant and Ms Ayesha Yousef, ACGSC for the respondents.

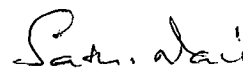
7 The applicant is aggrieved by the refusal of the respondents to count his services as Postman with effect from 31.12.1983 the day on which he was appointed initially as a Postman and not granting him Time Bound One Promotion even after completion of 16 years. The Annexure A-4 order filed by the applicant himself is self-

explanatory. It shows that he was posted as temporary leave reserve Postman and the appointment was governed by the provisions of CCS (Temporary Services Rules) 1965. On introduction of the TBOP Scheme, Vide Annex R-3, 7 posts, (2 permanent and 5 temporary posts) were abolished and the applicant being junior and occupying the temporary post was reverted to the lower post. The respondents cannot be faulted for this action. He was again appointed on a regular basis on a regular vacancy on 19.12.1987 and on the basis of the regular service has qualified for promotion under TBOP and has been accorded promotion with effect from 23.1.2004. The contentions of the applicant regarding juniors having been appointed earlier are found to be not correct even according to the records produced by him in the rejoinder. The applicant's claims are not found sustainable in facts or law. There is no merit in the OA and it is accordingly dismissed.

Dated 7.12.2006



DR. K.B.S. RAJAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN