

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 157/90  
~~XXXXXX~~

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DATE OF DECISION 18-7-1990

P Kunhikannan Applicant (s)

Mr Grashious Kuriakose Advocate for the Applicant (s)

Versus

The Superintendent of Post Respondent (s)  
Offices, Tellicherry Division & 3 others

Mr TPM Ibrahimkhan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

The applicant is an Ex-Serviceman R.T.P.candidate  
*listed*  
of 1983 batch *for* the post of Postal Assistant. His grievance  
is that on 31.12.1989, when the 10th vacancy after the last  
*had been* (to be reserved for ex-servicemen) *h*  
Ex-Serviceman *was* appointed arose and he was available as an  
Ex-Serviceman R.T.P., instead of his being appointed,  
respondent No.4 who is not an Ex-Serviceman was appointed  
as Postal Assistant on the ground that respondent No.4  
belongs to *the* 1982 batch, while the applicant belongs to *the* 1983  
batch.

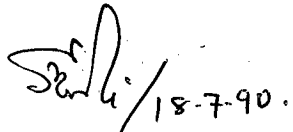
2. We have heard the arguments of the learned counsel  
on either side. The learned counsel for the respondents relied  
on the copy of the Post Master General, Kerala Circle's letter

dated 8.2.1988 at Annexure-R1(A), para 2 of which reads as follows:

"As per instruction from Directorate candidates in the RTP should be absorbed according to the year of recruitment. For example RTPs of 1982 should be absorbed before RTPs of 1983. If in the process of filling of vacancies, the reserved points cannot be filled up for want of candidates of the right category/ community, such reserved points should be carried forward."

The above para, it is seen<sup>that does not</sup> in any manner entitles a general 1982 R.T.P. <sup>to pre-empt</sup> <sup>an</sup> ~~permit~~ the vacancy reserved for Ex-Servicemen who like the applicant belongs to 1983 batch. The comparison between two R.T.Ps on the basis of year of allotment is valid only when they belong to the same category. But since the applicant before us belongs to the category of Ex-Servicemen and he was the seniormost R.T.P Ex-Serviceman available on 31.12.1989, when the 10th vacancy <sup>reserved for ex-servicemen</sup> arose, irrespective of availability of general candidates belonging to earlier batches, he is entitled to be appointed to that vacancy. The learned counsel for the respondents indicated that the applicant also along with other R.T.Ps has since been appointed as Postal Assistants. That <sup>is</sup> ~~is~~ good. But in view of his entitlement to the reserved vacancy which arose on 31.12.1989, we close this application with the direction that the applicant should be given seniority and other consequential benefits, if any, of pay and allowances in the cadre of Postal Assistant as if he had been appointed against the vacancy which arose on 31.12.1989.

  
( AV HARIDASAN )  
JUDICIAL MEMBER

  
( SP MUKERJI )  
VICE CHAIRMAN

18-7-1990

trs