

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 189 of 1995

Thursday, this the 23rd day of February, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. A Anil Kumar,  
S/o Appukuttan Nair,  
Casual Mazdoor, Head Record Office,  
Railway Mail Services,  
Trivandrum-695 001.
2. K Sreekantan,  
S/o M Krishnan,  
Casual Mazdoor, Head Record Office,  
Railway Mail Service,  
Trivandrum-695 001.
3. A Salim Kumar,  
S/o Abdulla,  
Casual Mazdoor, Head Record Office,  
Railway Mail Service,  
Trivandrum-695 001. .. Applicants

By Advocate Mr. Thomas Mathew

Vs.

1. Head Record Officer,  
Railway Mail Service,  
Trivandrum-695 001.
2. Senior Superintendent,  
Railway Mail Service,  
Trivandrum Division,  
Trivandrum-695 003.
3. Chief Postmaster General,  
Kerala Circle,  
Trivandrum.
4. Union of India represented by  
its Secretary,  
Department of Posts,  
New Delhi. .. Respondents

By Advocate Mr. Varghese P Thomas, Additional Central  
Government Standing Counsel

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants who had been engaged as "substitutes in the  
leave vacancies of Extra Departmental Mail Man", challenge  
A7 order by which their request for appointment as Extra

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Departmental Agents was rejected on the ground that they are not "approved mazdoors". Sri Thomas Mathew, learned counsel for applicants invited our attention to A8 order which states:

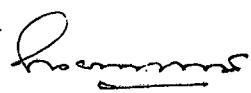
"it has been decided that casual labourers whether full time or part-time who are willing to be appointed to ED vacancies may be given preference in the matter of recruitment.....".

If A8 stands, then A7 cannot stand. If full time or part-time casual employees have preference, then the condition stipulated in A7 is unsustainable.

2. But, it is not for this Tribunal (as applicants seem to think) to make first level adjudications and make appointments in subordinate offices under the department. Applicants may raise their contentions before the second respondent and the said respondent will consider the same and pass orders thereon. If applicants are aggrieved by that decision they must seek redress at the hands of higher departmental authorities. Till a decision is so taken, the posts in question will not be filled up on a regular basis.

3. The Original Application is disposed of as aforesaid. No costs.

Dated the 23rd February, 1995



SP BISWAS  
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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List of Annexures

1. Annexure A7:- True copy of Letter No.811/11-7/Tvm dated 31-1-95 of the 2nd Respondent.
2. Annexure A8:- True copy of Director General, Department of Posts, New Delhi Letter No.17-141/88-EDC & Trg. dated 6-6-1988 conveyed in Asst. Post Master General Letter No. Rectt/27-1/IV dated 14-6-88.