

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 193 of 1993.

DATE OF DECISION 20-4-1993

Mr VR Chandrasenan & 4 others Applicant (s)

M/s MR Rajendran Nair & PV Asha Advocate for the Applicant (s)

Versus

Superintendent of Post Offices, Mavelikkara & 2 others Respondent (s)

Mr K Karthikeya Panicker, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

&

The Hon'ble Mr. R RANGARAJAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *VS*
2. To be referred to the Reporter or not ? *AV*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *DVP*
4. To be circulated to all Benches of the Tribunal ? *AV*

JUDGEMENT

AV Haridasan, J.M.

The applicants 5 in number were declared successful in an examination for appointment to the cadre of Postmen held on 20.10.1991. They are Sl.Nos.3 to 8 in the select list dated 14.11.1991 at Annexure-I. They had appeared and selected for the vacancies in Mavelikkara. Their grievance is that while they were waiting for appointments after training, vacancies which fell in Mavelikkara Division were filled by making compassionate appointments ~~and~~ / those who did not come ~~xx~~ in the merit list but were included only in the list of surplus qualified candidates were given appointments in Ernakulam Division without giving the applicants an option for such appointment.

The applicants have therefore prayed that it should be declared that they are entitled to be appointed as Postmen either in Mavelikkara Postal Division or in any other neighbouring Division in preference to anybody lower down in the select list or ~~outsidem~~ and for a direction to the respondents to appoint them in the vacancies which are existing and which may arise in future and to give them notional dates of appointment with effect from the date the persons in the surplus list were appointed.

^{may be passed}
The applicants have prayed that an interim order ^h directing the respondents to appoint them to the available vacancies. Opposing the grant of interim relief the respondents have filed a statement. They have indicated in the statement that the appointments in Mavelikkara Division were made only on compassionate grounds and that the vacancies which would arise in Mavelikkara Division would be filled only from among the merit list at Annexure-I, strictly in the order of their seniority and that therefore, the applicants do not have a reason for grievance.

2. In the light of the above statement in the reply statement the counsel on either side agreed that the application can now be disposed of directing the respondents to fill the vacancies which are existing in Mavelikkara Division or which may arise in that Division in future in the cadre of Postmen ^h strictly on the basis of seniority of persons as per the merit at Annexure-I.

3. In the result we dispose of this application directing the respondents to fill the existing vacancies and the vacancies which may arise in future in the Mavelikkara Division in the cadre of Postmen strictly on the basis of seniority of persons

whose names are in the merit list at Annexure-I. We also make it clear that if there is any vacancy existing in the Mavelikkara Division, it should be filled forthwith. We also make it clear that this direction will not preclude the Department from making compassionate appointments to any cadre, following the percentage, in accordance with law. The applicants will be at liberty to make representations in regard to the seniority and etc. national date of appointment to the competent authority. No order as to costs.



(R RANGARAJAN)
ADMVE. MEMBER



20/4/93

(AV HARIDASAN)
JUDICIAL MEMBER

20-4-1993

trs