

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE : 26.2.90

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 214/89

A. N. Gopinathan Nair

Applicant

Vs.

1. Director of Postal Services (HQrs)  
Office of the Postmaster General  
Kerala Circle, Trivandrum now  
redesignated as Additional  
Postmaster General
2. Postmaster General, Kerala Circle,  
Trivandrum
3. Director General of Posts,  
Department of Posts, New Delhi and
4. Union of India represented by its  
Secretary, Ministry of Communications,  
New Delhi

Respondents

M/s. O. V. Radhakrishnan,  
K. Radhamani Amma and  
Raju K. Mathew

Counsel for  
the applicant

Mr. K. Prabhakaran, ACGSC

Connsel for  
respondents

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

This case is covered by the judgment of this  
Tribunal in O.A. K-563/88 and the learned counsels appearing  
on both sides agreed that it can be disposed of without  
going into the merits.

2. The applicant is now working in the Lower Selection  
Grade of the Department of Posts. He is now working

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as Assistant Postmaster, Head Post Office, Palai, Kottayam Division. He is entitled to be absorbed permanently in the Lower Selection Grade because he appeared for the qualifying test held on 10.4.1978 for promotion to the Lower Selection Grade against 1/3rd quota for the year 1977-78. He came out successful and was included in the list of qualified officials published by the Respondents under P & T TV letter No. Rectt./10-5/78 dated 8.5.1979 His serial number in the above list is No. 94. From this list 57 officials were promoted against the vacancies of 1977-78 and the remaining officials were to be absorbed against the vacancies of the following year/years as per Rule 272-A of the P & T Manual, Vol. IV according to which if any official already in the panel has not been absorbed during the year, he will be absorbed first, in the vacancies of the next year and the vacancies of the next year will be correspondingly reduced by the number of approved officials brought forward.

3. Thus according to the applicant he is eligible to be absorbed in the Lower Selection Grade in the vacancies arising in 1979 and 1980 in accordance with his rank in the above lists. Hence he filed this application under Section 19 of the Central Administrative Tribunals Act, 1985 with the following prayers:

(i) to issue a direction or order to the respondents to promote applicant with effect from 6.9.80 to the LSG Cadre on the basis of his entitlement as found in Ext. A-3 revised seniority list;

(ii) to issue a direction or order to the respondents to grant fixation of pay to the applicant with effect from 6.9.80 and further to grant full service benefits like increments, confirmation, arrears of pay and allowances, etc. in the Lower Selection Grade Cadre on that basis; and

(iii) to grant such other reliefs which this Hon'ble Tribunal deems fit proper and just in the circumstances of the case.

4. AS indicated above, we have considered the identical issue in earlier cases and allowed the contentions of the applicant.

5. We follow the judgments in O.A. K. 563/88, O.A. 8/88, and O.A. 57/89 and allow this application granting the same reliefs. Accordingly, we direct the respondents to promote the applicant to the Lower Selection Grade Cadre with effect from 6.9.1980 on the basis of his entitlement as found in Ext. A-3 revised seniority list with all consequential benefits.

6. There will be no order as to costs.

  
(N. Dharmadan)

Judicial Member

26.2.90

  
(S. P. Mukerji)

Vice Chairman

kmn