

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.237/96

Thursday, this the 27th day of April, 2000.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M.V.Sivaraman,
S/o M.V.Sankara Narayana Warriar,
Group D,
Shornoor Government Press.P.O.
Shornoor-2.

- Applicant

By Advocate Mr M.R.Rajendran Nair

Vs

1. The Superintendent of Post Offices,
Ottapalam Division,
Ottapalam.
2. The Director of Postal Service,
Northern Region,
Calicut.

- Respondents

By Advocate Mr MHJ David.J, ACGSC

The application having been heard on 27.4.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER


Applicant who was an Extra Departmental Delivery Agent(EDDA for short), Chethallur, was selected and appointed as Leave Reserve Group'D' by A-2 and A-3 orders. His grievance is that respondents, by A-7 letter dated 26.10.95 stated that since he was working as Group'D' with effect from 6.6.95, he was not entitled to be considered against 25% vacancies on seniority basis available to ED Agents for selection to the post of Postman. He says that he has not been appointed as Group'D' on permanent basis and confirmed as such, but he was only posted as Leave Reservice Group'D', who is liable to reverted as EDDA.

2. After hearing both sides, this O.A. was disposed of on 14th October, 1997 directing the first respondent to take note of the declaration that the applicant is eligible to be considered for promotion to the post of Postman against 25% quota earmarked for ED Agents on the basis of the length of service as long as he has not confirmed in a Group'D' post and pass appropriate orders within three months.

3. Against the said order, respondents preferred an O.P.No.22750/97 before the High Court of Kerala. The High Court of Kerala while disposing of the O.P. by remitting the matter to the Tribunal for consideration stated that the effect of Exhibit P-1 produced in the O.P. is to be considered.

4. The Exhibit produced as P-1 in the said O.P. is produced and marked as R-4 herein. It is dated 8.10.97. It says that the applicant, LR Group D, Ottapalam Sub Division is confirmed in the cadre of Group'D' with effect from 5.6.97. R-4 order was passed just six days prior to the pronouncement of the order in this O.A. by this Bench of the Tribunal. It is also pertinent to note that the applicant's specific case is that he has not been confirmed as Group'D' and the respondents passed R-4 order just six days prior to the disposal of the O.A. earlier by confirming him. So it is very much evident that while the applicant made a specific plea that he has not been confirmed, R-4 order was issued by the respondents during the pendency of the O.A.

...3...

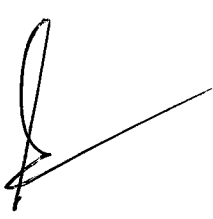


5. Apart from that the effect of R-4 is only confirming the applicant with effect from 5.6.97. The specific case of the applicant is that he is eligible to be considered for the post of Postman from among the ED Agents in the 25% quota earmarked for ED AGents arose during the year 1995. By no stretch of of imagination it can be said that by virtue of R-4, the applicant was confirmed as Group'D' in the year 1995. Relief was granted by this Tribunal as per order dated 14th October, 1997 to the applicant on the ground that he has not been confirmed as Group'D'. That is in respect of the relevant period i.e. the year 1995. That has not altered by R-4. So the position is that by virtue of R-4, it makes little difference in this O.A.

6. Accordingly, we declare that the applicant is eligible to be considered for promotion to the post of Postman against 25% quota earmarked for ED Agents on the basis of the length of service as long as he was not confirmed as Group'D' post during the relevant period.

7. The first respondent will take note of the above declaration and pass appropriate orders duly considering the applicant for the post of Postman against 25% quota reserved

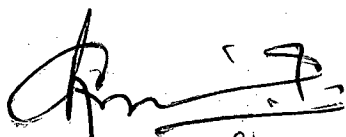
..4..



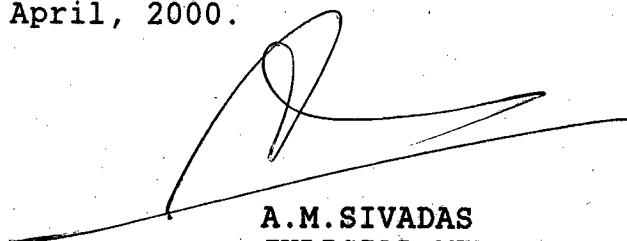
for ED Agents based on the length of service for the recruitment year 1995. This shall be done within two months from the date of receipt of a copy of this order.

8. O.A. is allowed as aforesaid. No costs.

Dated, the 27th of April, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

trs/27400

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-2: True copy of the order No.B-2/4/GL dated 1.6.95 issued by 1st respondent to the applicant.
2. A-3: True copy of the memo No.GL-Staff dated 5.6.95 issued by the Asstt. Supdt. of Post Offices, Ottapalam Sub Division, Ottapalam to the applicant.
3. A-7: True copy of the letter No.B2/3/Test/95 dated 26.10.95 issued by the 1st respondent.
4. R-4: True of Memo No.FF/MVS issued by the Asstt. Supdt. of Post Offices, Ottapalam Sub Division, Ottapalam dated 8.10.97.

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 237 of 1996.

Tuesday this the 14th October, 1997,

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

M.V. Sivaraman, Group 'D',
Shornoor Government Press P.O.,
Shornoor-2. (residing at Mini Nivas,
Chethallur P.O., 678 609, Palakkad Dist.) .. Applicant
(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Superintendent of Post Offices,
Ottapalam Division, Ottapalam.

2. The Director of Postal Service,
Northern Region, Calicut.

.. Respondents

(By Advocate Shri M.H.J. David J. ACGSC)

The application having been heard on 14th October, 1997,
the Tribunal on the same day delivered the following

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was an Extra Departmental Delivery Agent (EDDA for short) at Chethallur (A-1) was selected and appointed as Leave Reserve group 'D' by A-2 and A-3 orders. The grievance of the applicant is that respondents by A-7 letter dated 26.10.95 stated that since the applicant was working as Group 'D' with effect from 6.6.95 he was not entitled to be considered against the 25% vacancies on seniority basis available to ED Agents for selection to the post of Postman. Applicant submits that he has not been appointed as Group 'D' on permanent basis and confirmed as such but he has only been posted as leave reserve group 'D' who is liable to be reverted as EDDA.

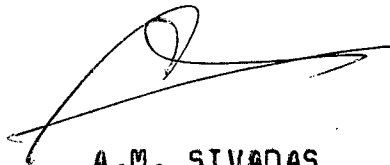
2. Since the applicant has not been confirmed as Group 'D' his rights available to him as ED Agent are still available to him and therefore, we consider that the prayer of the applicant is well founded. We, accordingly, declare that the applicant is eligible to be considered for promotion to the

post of Postman against the 25% quota earmarked for ED Agents on the basis of length of service as long as he is not confirmed in a group 'D' post.

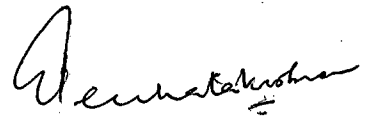
3. The first respondent will take note of the above declaration and pass appropriate orders duly considering the applicant for the post of Postman against the 25% quota reserved for ED Agents based on length of service for the recruitment year 1995. This shall be done within three months.

4. Application is allowed as aforesaid. No costs.

Dated 14th October, 1997.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER