

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 25 OF 2011

Friday, this the 10th day of August 2012

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

K.R.Sasikumaran
Group D, Muvattupuzha Market PO
Residing at Kaniamkottil House
Pezhakkappally Post Office
Muvattupuzha

... Applicant

(By Advocate Mr.P.C.Sebastian)

versus

1. The Senior Superintendent of Post Offices
Aluva Division, Aluva
2. The Postmaster General
Central Region
Kochi - 682 018
3. Union of India represented by Secretary
to Government of India
Ministry of Communications
Department of Posts
New Delhi
4. N.P.Varghese
GDS, MD, Pezhakkappally PO
Working as Postman
Muvattupuzha Market PO

... Respondents

(By Advocate Ms.Deepthi Mary Varghese, ACGSC (R1-3)
Advocate Mr.Gigimon Issac (R-4))

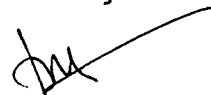
The application having been heard on 10.08.2012, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant has filed this OA seeking the following reliefs:

- (i) To call for the files leading to issue of Annexure A-4 and A-4(a) and quash them to the extent they include



the name of 4th respondent for promotion to the cadre of postman.

(ii) To declare that applicant is entitled to be promoted to the cadre of Postman against the vacancy against which 4th respondent was selected.

(iii) To direct the official respondents to promote applicant as Postman with effect from the date of promotion of the 4th respondent with all consequential monetary and service benefits, terminating the appointment of the 4th respondent as postman if necessary.

(iv) To grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem it and proper to grant in the facts and circumstances of the case."

2. The applicant entered service as Gramin Dak Sevak in Aluva Postal Division on 26.12.1978 whereas the 4th respondent was appointed only on 28.02.1979. The applicant is senior to the 4th respondent. Recruitment to the cadre of Postman is governed by the Department of Posts (Postman / Village Postman and Mail Guards) Recruitment Rules, 1989. As per the said rules, 50% of vacancies are filled up by promotion of Group D officials and 50% by GDS. The GDS quota is further divided into two equal halves one half to be filled by GDS on seniority alone and other half by GDS on the basis of their merit on the departmental exam which is common for the Group D officials as well as the GDS. The examination is held on divisional basis. Annexure A-2 is the copy of the Recruitment Rules. The 1st respondent issued a notification for holding the Departmental Exam for filling up the Postman vacancies of Aluva Division for the year 2007 to be held on 18.10.2009. The applicant appeared in the examination but he could not qualify for the merit quota. The 1st respondent issued Annexure A-3 list of eligible GDS to be selected on the seniority quota for the year 2006. The applicant's name is placed at Sl.No.15 and that of the 4th respondent at Sl.No.19. But the 4th respondent was selected as evidenced from letter



dated 19.11.2009. Copy of the appointment order is produced as Annexure R-4(a). Representation made by the applicant against appointment of 4th respondent turned futile. According to the applicant, as per Recruitment Rules governing the recruitment of Postman, the age and educational qualifications are applicable only to the direct recruits and not to the promotees. Reliance is placed to a decision in OA 858/2006 dated 18.07.2007 to the effect that the recruitment of GDS to the cadre of Postman is by way of promotion only. Annexure A-6 is the copy of the decision of this Tribunal. Further, the applicant belongs to SC community and is therefore entitled to the age concession of five years as per extant rules. The action on the part of respondents in not considering him for promotion to the Postman vacancies for the year 2007 in the seniority quota of GDS is highly illegal. Hence he has filed this OA.

3. The stand taken by the respondents in the reply statement is that the applicant is not entitled for any age relaxation since he is competing against merit quota and not against reserved quota. Reliance is placed to a Full Bench decision in OA 801/05 and connected cases which is produced as Annexure R-1(2). The relevant portion is as under:-

"In the result, we respectfully agree with the decision of the Full Bench in O.A.208/2007 dated 29.07.2007. Consequently, the reference is answered that when Gram Dak Sevaks belonging to the SC/ST categories participate in the departmental examinations for promotion/recruitment, against vacancies of general category, they will not be entitled to age relaxation available for promotion against the reserved vacancies."

4. The Full Bench followed another Full Bench decision in OA 208/2007 rendered on 29.07.2007 and answered that when Gram Dak Sevaks belonging to the SC/ST categories participate in the departmental



examinations for promotion/recruitment, against vacancies of general category, they will not be entitled to age relaxation available for promotion against the reserved vacancies.

5. We have heard the counsel on both sides. In the light of the Full Bench decision following yet another Full Bench decision in OA 208/2007 having held that age relaxation is applicable only to reserved posts and not to merit quota, it has to be held that the applicant is not entitled for any age relaxation. This view has since been accepted by another coordinate Bench of this Tribunal in OA 1114/2010 by its order dated 17.10.2011.

6. In the result, the OA is **dismissed**. No costs.

Dated, the 10th August, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

vs