

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 275/12

Wednesday this the ^{16th} day of September, 2015

CORAM:

Hon'ble Mr. Justice N.K. Balakrishnan, Judicial Member
Hon'ble Mrs.P. Gopinath, Administrative Member

S.Hareendran
 S/o.M.V.Naryanan Nambiar
 "Samsari", Velloor Post
 Payyannoor
 Kannur District
 Working as Sub Post Master
 Ramanthali Post Office
 Kannur District **Applicant**

(By Advocate – Mr.P.K.Ravi Sankar)

V e r s u s

1. Union of India
 Represented by its Secretary
 Department of Post, New Delhi 110 001
2. Chief Post Master General
 Kerala Circle
 Trivandrum 695 033
3. Superintendent of Post Officers
 Kannur Division, Kannur – 670 001
4. Rajesh Valloth
 Postal Assistant
 Speed Post Hub
 Kannur – 670 001
5. V.P.Chandraprakashan
 Marketing Executive
 Kannur Division
 Kannur Head Post Office
 Kannur – 670 001 **Respondents**

(By Advocate – Mr.N.Anil Kumar, Sr.PCGC(R))

This Original Application having been heard on 09.09.2015, the Tribunal on the .16.09.15 delivered the following:

ORDER

Hon'ble Ms.P.Gopinath, Administrative Member -

The applicant is presently working as Sub Post Master, Ramanthali Post Office. The 3rd respondent invited applications from Postal Assistants for filling up the posts of Marketing Executive with head quarters at Kannur HO/Taliparamba HO/Payyannur. The applicant submitted his willingness to be considered for posting as Marketing Executive. There was no further response from the 3rd respondent in the matter. Subsequently the 3rd respondent issued order No.B1/ME dated 8-6-2011 posting one K.Surendran to the post of Marketing Executive for a period of six months. Before issuing the said order the 3rd respondent did not conduct any selection. The 3rd respondent followed a pick and chose policy. The post of Marketing Executive carries incentives and other allowances. Applicant challenged the said order by filing O.A 567 of 2011 before this honourable Tribunal. By order dated 23.11.2011, this honourable Tribunal disposed of the O.A directing that a fresh selection shall be conducted after inviting willingness if no other guidelines are issued governing the same in substitute of the present guidelines. But ignoring the directions of this tribunal, the 3rd respondent issued Annexure A-1 order without inviting willingness from officials. The 4th respondent has just 6 months service as Postal Assistant.

2. Respondents in their reply statement submits that the applicant has been working as Sub Postmaster Ramanthali Sub Post Office since 03.03.2010. The 5th respondent in the O.A is working as Postal Assistant (Marketing Executive) for promoting and procurement of business in Kannur Postal Division. Postmaster General, Northern Region Calicut vide letter No.VIG/2/DLGS/10 dated 13.03.2012 issued directions to transfer all the eight Marketing Executives



who have completed four years or more as Marketing Executive (ME) in various postal divisions under Northern Region Calicut. The name of 5th Respondent in the O.A appears at Sl.No.6 of the said order. The Postmaster General also directed that there was no need to call for applications for the post of Postal Assistant (ME) and the new ME should be selected locally keeping in view the professional competence. As per the instructions of the Postmaster General, Northern Region Calicut the existing marketing executives were to be relieved and the new incumbent should take over the charge by 31.03.2012 and hence the 5th respondent in the O.A was transferred and posted as Public Relations Inspector (Postal)-PRI (P) and Sri.Rajesh Valloth, Postal Assistant Speed Post Hub Kannur, 4th respondent was posted as ME.

Shri.Rajesh Valloth an ex-serviceman has put in 23 years of unblemished exemplary service in Indian Air Force prior to joining the Department of Posts and has adequate professional competency. Hence, he was posted as Postal Assistant (ME) in Kannur Division. The applicant also had expressed his willingness to work as ME. His willingness was duly considered. Since he has come up with adverse remarks several times especially in connection with misbehavior with customers, he was not selected. The post of ME does not carry any special allowance, honorarium, and incentive or conveyance allowance. For contacting the bulk mailers and prospective customers frequent travelling is involved for which actual expenditure incurred on travel is paid. Since Kannur Division was given an enhanced target by Postmaster General during the last financial year 2011-12, the need for one more Marketing Executive arose and Sri.Karippal Surendran was posted as ME for a period of six months. He was relieved from the post as per Annexure A-2 directions of this Hon'ble Tribunal in O.A 567/2011 filed by Shri.S.Hareendran, the applicant.

It is submitted that in Annexure A-2 order this Hon'ble Tribunal had



held as follows:- "Since the post itself is for a period of six months, is due to expire on 08.12.2011. We are not cancelling the appointment of the 4th respondent. However, on the completion of six months period on 8.12.2011, a fresh selection shall be conducted after inviting willingness, if no other guidelines are issued governing the same in substitute of the present guidelines. " The applicant is working as Sub Postmaster Ramanthali Sub Post Office since 03.03.2010. Sub Postmaster is entitled for incentive for procuring Rural Postal Life Insurance Policies. Rural Postal Life Insurance is also one of the "Business Products" of Department of Posts. All Postmasters are authorized to procure Rural Postal Life Insurance Policies. But the achievement of the applicant in this field so far is 'NIL'.

Since new guidelines for selection of marketing Executive have been issued by Postmaster General Northern Region Calicut vide Annexure R-1, the directions of this Hon'ble Tribunal in its judgment dated 23.11.2011 have neither been ignored nor violated.

3. We have heard the learned counsel appearing for the parties and gone through the records and documents produced by the parties. The applicant is seeking posting to the post of Marketing Executive. The Postmaster General vide Annexure R-1 had while issuing orders on the posting of Marketing Executives vide O.M No.VIG/2/DLGS/10 dated 13.3.2012 laid down that new Marketing Executives (ME) should be selected locally keeping in view the professional competence. It has further been stated that there is no need to call for applications for the post of Marketing Executive. Hence, the guideline criteria for selection was professional competency. The job of Marketing Executive does not carry any special allowance, honorarium, incentive or conveyance allowance. Their job is to get in touch with bulk mailers/prospective customers for which actual expenditure on travel incurred as traveling allowances is

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admissible. The Marketing Executive is given a target to procure business for which a financial year based target is allotted. Thus local knowledge of the market was necessary to approach customers for business. Any authority laying down conditions for a post can also lay down minimum prescription for the same, to suit official requirement.

4. The applicant had submitted his willingness to be considered for the post of Marketing Executive. His willingness was considered. It was observed during such consideration that the applicant has come up with adverse remarks several times in connection with misbehavior with customers. Thus the basic requirement of polite behavior of an Marketing Executive with a customer was lacking in the applicant. The applicant was working as Sub Postmaster (SPM), Ramanthali SO since 03.03.2010. Every SPM is entitled for incentive for procuring Rural Postal Life Insurance (R PLI) policies. The achievement of the applicant in the marketing of RPLI was NIL. Hence, the marketing skills of the applicant had already been tested since 2010 in the area of business procurement of Rural Postal Life Insurance and found to be not only inadequate but non-existent. Post Office is a public service department and orders meant to have effect on public whom they serve are intended to affect the act and conduct of those to whom they are addressed. Hence customer relation in a public service department is a very important component of service which cannot be overlooked or bypassed. Hence non-selection of applicant was neither arbitrary or discriminatory and no malafide is noticed. It was based on backdrop of lack of performance and poor customer relations and is supported by valid reasons. By merely exercising the right of application, the applicant does not acquire the indefeasible right of appointment. The respondent has taken a bona fide decision for appropriate reasons of public service.

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5. The Original Application is dismissed. No order as to costs.



(P.GOPINATH)
ADMINISTRATIVE MEMBER



(N.K. BALAKRISHNAN)
JUDICIAL MEMBER

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