

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
Original Application Nos.302/2012 & 180/525/2014

Wednesday this the 8th day of June, 2016

CORAM:

HONBLE MR.JUSTICE N.K.BALAKRISHNAN, JUDICIAL MEMBER
HONBLE MRS.P.GOPINATH, ADMINISTRATIVE MEMBER

O.A No.302/2012

Usha P.T
Assistant Postmaster Accounts (Acting)
Head Post Office
Kottayam – 686 001

... Applicant

(By Advocate Mr.Asok M Cherian)

Versus

1. The Director General Posts
Department of Posts
Ministry of Communications
Government of India
New Delhi – 110 001
2. Assistant Director General (DE)
Department of Posts
Ministry of Communications
Government of India
Dak Bhavan
Sansad Marg, New Delhi – 110 116
3. Chief Post Master General
Department of Posts
Kerala Circle
Thiruvananthapuram – 695 001
4. Assistant Director (Rectt)
Department of Posts
Office of the Chief Post Master General
Kerala Circle, Trivandrum – 1
5. Senior Superintendent of Post Offices
Kottayam Division
Kottayam – 1

... Respondents

(By Advocate Mr.Sreenath.S)

O.A No.180/525/2014

Usha P.T

Accountant

Office of the Senior Superintendent of Post Offices
Kottayam Division , Kottayam

... Applicant

(By Advocate Dr.K.P.Satheesan, Sr. with Mr.P.Mohandas)

V e r s u s

1. Union of India

Represented by the Secretary to Government
Ministry of Communications, Department of Posts
New Delhi – 110 001

2. The Director General of Posts

Department of Posts
Dak Bhavan, New Delhi – 110 001

3. The Chief Postmaster General

Kerala Circle, Thiruvananthapuram – 695 033 Respondents

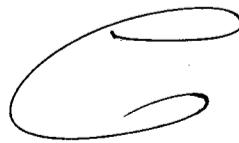
(By Advocate Mr.Anil Ravi, ACGSC)

These Original Applications having been heard on 26.05.2016 this Tribunal on
Q:6.1.0 delivered the following :

O R D E R

BY HON'BLE MRS.P.GOPINATH, ADMINISTRATIVE MEMBER

The applicant in O.A 180/525/14 entered regular appointment in 1990 and avers she is eligible for promotion as LSG on completion of 10 years of service in the year 2000 as per the recruitment rules. But that was not done by the 3rd respondent under a wrong impression that TBOP and BCR are substitute for recruitment rules. The applicant will complete five years service as LSG in 2005. Any employee having five years service is eligible for appearing Group B examination. The 3rd respondent issued Annexure A-10 list including the name of the applicant as eligible for promotion to LSG. The relief sought by the applicant are:



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(i) To declare that the applicant is entitled for promotion as LSG with effect from 2000, the date on which she completed 10 years of service in the cadre as provided under the Recruitment Rules.

(ii) To declare that the passing of Group B examination held in May 2010 by the applicant is valid and legal and the applicant is to be promoted to the Group B post.

2. The respondent argues that the entire reliefs sought for by the applicant is based on the assumption of the applicant that the applicant is entitled to be automatically promoted to the cadre of Lower Selection Grade (LSG for short) with effect from the date of completion of 10 years of service in the cadre of Postal Assistant. Further reliefs are only addendums to the original hypothesis. The applicant was appointed as regular Postal Assistant with effect from 02.02.1990. The applicant passed the PO and RMS Accountants Examination in the year 2001 and is now working as Accountant in the office of the Senior Superintendent of Post Offices, Kottayam Division. While so, the applicant moved this Tribunal by filing O.A No.357/2010 to appear in the Postal Services Group B Examination. In compliance with the interim order of this Tribunal, the applicant was permitted to appear in the said examination on provisional basis. The said O.A was disposed of by this Tribunal vide Annexure A-6 common order directing the respondents to update the LSG and HSG II list in Accounts line and thereafter carry out promotion to HSG II cadre first followed by LSG promotion. It was also ordered that the applicants in the OAs should be granted LSG Accountants promotion according to their turn and thereafter their eligibility to appear for the PS Group B Exam 2009 shall be considered. In compliance with the order of this Tribunal, an updated seniority list of PO and RMS Accountants was prepared for promotion to the cadre of LSG APM (Accounts). As per the said seniority list, a review Departmental Promotion Committee (DPC for short) was held on 27.7.2012 and all the LSG APM (Accounts) post were filled on notional basis vide Memo No.ST/S-2/Accounts/2012 dated 14.9.2012 issued by the 3rd

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respondent. The DPC for promotion to HSG II cadre was also conducted on 19.2.2013 and promotion orders issued, after deletion of those who refused LSG promotion for various reasons which could be assessed only after the LSG promotion was offered.. As per the said seniority list, the applicant is not coming within the zone of consideration for promotion to the cadre of LSG. The position of the applicant in the seniority list is 81. The applicant qualified in the PO and RMS Accountants examination only in the year 2001 whereas only the officials who had qualified in the PO and RMS Accountants examination up to 1990 only could be considered by the DPC as per seniority and according to their turn as ordered in O.A 357/2010. As such, the question of granting LSG promotion to the applicant in APM (Accounts) cadre on notional basis did not arise. Respondents submitted that the applicant was already informed regarding her ineligibility to take up the PS Group B examination held in May 2010 in view of the fact that she had not fulfilled the eligibility conditions vide Annexure A-7 dated 25.9.2012. The stand of the respondents has also been vindicated by this Tribunal vide Annexure R-1 order of the Tribunal in CP(C) 122/2012 in OA 357/2010. It has been held by various courts in a catena of decisions that submitting frequent representations to keep an issue alive need not be entertained at all.

3 As per the revised Recruitment Rules 2011, norm based promotion to LSG Accountant cadre is to be made from the officials in the Circle Gradation List of Postal Assistants who have completed five years of regular service in the grade and have passed the PO and RMS Accountants Examination, subject to availability of vacancy in the cadre. Whereas TBOP/MACP can be granted on completion of requisite number of years of service, LSG promotion besides the residency period is linked to availability of vacancies. It has been clarified that: (a) while granting LSG promotion in General line in PO and RMS Offices, PA/SAs irrespective of the fact whether they possess PO and RMS

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Accounts qualification or not are eligible to be considered for promotion; (b) similarly, PA/SAs who have qualified in the PO and RMS Accountants examination or are working as Accountant and had given option for General line at the time of grant of financial up gradation under TBOP and BCR schemes are still eligible for promotion to LSG (Accounts). As per the above clarification received from the 2nd respondent, seniority list of officials with PO and RMS Accounts qualification has been prepared on the basis of seniority in PA/SA cadre for promotion to the cadre of LSG (Accounts). The applicant has not yet been granted LSG norm based promotion as she was not senior enough in the seniority list to be placed in the zone of consideration in the earlier DPCs held. The claim of the applicant that she is eligible for promotion to LSG cadre in 2000 is vehemently denied in view of the arguments put forth in paras supra as mere completion of qualifying years is not sufficient. It is to be read with availability of norm based vacancy. In the minutes of the review DPC at Annexure R-2 the respondents have specifically mentioned the date of occurrence of vacancies to the posts of LSG APM (Accounts) year wise. As per seniority list, the position of the applicant is at Sl.No.81 and the applicant had qualified the PO and RMS Accountants examination only in the year 2001. As such, the applicant did not come under the zone of consideration as per seniority position in the gradation list. All the eligible officials were given notional promotion to the cadre of LSG vide Annexure R-2. Out of these officials, those who were eligible were also given promotion to HSG II cadre vide DPC convened on 19.02.2013. The applicant, having not come under the zone of consideration, could not be granted promotion to the cadre of LSG. Promotion to the cadre of LSG is subject to the availability of vacancies and is based on seniority cum fitness. The applicant, having passed the PO and RMS Accountants examination only in the year 2001 has not yet come under the zone of consideration. The applicant has no case that any of her junior has been promoted bypassing the applicant. The respondents argue that they have only acted as per the

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notified recruitment rules and there is no illegality or arbitrariness on the part of the respondents, as claimed by the applicant.

4. Respondents submit a copy of the order of the Madras Bench of this Tribunal in T.A No.K 522/87 (O.P No.7941/85) in which this applicant was a party applicant wherein the respondents were directed to absorb the applicants, in case they have not been so absorbed, in the regular cadre according to their order of merit in the R.T.P list from the dates the next regular vacancies arise. This Transfer Application has been produced to show that as on 10.06.1988 the applicant was an RTP and not a Postal Assistant, and the applicant as an RTPs had filed the case for their regularisation. It is further submitted that the applicant again approached this Tribunal by filing O.A No.444/1991. The applicant herein was applicant no.9 in Annexure R-4 and as per para 3 of Annexure R-4, the date of appointment as claimed by the applicant herself is 02.02.1990. Thus, the applicant is not consistent in her averments before the Tribunal. The averment of the applicant that the service book of the applicant was also opened in January 1983 is also challenged by the respondent. The service book of the applicant was opened by the competent authority only on 29.3.1990. True copy of the first page of the Service Book of the applicant is produced by respondent and marked as Annexure R-5. The applicant herself has attested and re-attested Annexure R-5 on 29.3.1990 and 18.12.1995 respectively. The very first body entry of the Service Book is that the applicant was "appointed as Temporary LR Postal Assistant with effect from 2.2.1990 vide Memo No.B1/3 dated 31.01.1990 of the Senior Superintendent of Post Offices, Kottayam Division." Hence any claim for earlier appointment is contested in view of this documentary evidence.

5 The applicant moved this Tribunal by filing O.A No.357/2010 to appear in the Postal Services Group B Examination. In compliance with the interim order of this

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Tribunal, the applicant was permitted to appear in the said examination on provisional basis. The said O.A was disposed of by this Tribunal vide Annexure A-6 common order directing the respondents to update the LSG and HSG II list in Accounts line and thereafter carry out promotion to HSG II cadre first followed by LSG Promotion. It was also ordered that the applicants in the O.As should be granted LSG Accountants promotion according to their turn and thereafter their eligibility to appear for the PS Group B Exam 2009 shall be considered. In compliance with the order of this Tribunal, an updated seniority list of PO and RMS Accountants was prepared for promotion to the cadre of LSG APM (Accounts). As per the said seniority list, Review Departmental Promotion Committee (DPC for short) was held on 27.7.2012 and all the LSG APM (Accounts) posts were filled vide Memo No.ST/S-2/Accounts/2012 dated 14.9.2012 issued by the 3rd respondent. The DPC for promotion to HSG II cadre was also conducted on 19.2.2013 and promotion orders were issued on 28.2.2013. As per the said seniority list, the applicant was not coming within the zone of consideration in the gradation list for promotion to the cadre of LSG. As such, the question of granting LSG Promotion to the applicant and posting her as APM (Accounts) as contested by applicant on notional basis did not arise.

6. Heard the counsel for applicant and respondent and the written submissions made.

7. Reliefs sought by the applicant is to direct the first respondent to regularise the candidature of the applicant for the competitive examinations for the promotion to the cadre of Postal Service Group B 2009 which was held in May 2010 and to direct the first respondent to declare the applicant as passed in the Postal Service Group B examination 2009, as she has obtained more than the stipulated marks in all the papers in the examination held in May 2010 and to direct the respondent to promote the applicant to

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the cadre of Group B post retrospectively, from the date the other officials were posted after passing the Group B examination 2009 held in May 2010.

8. Respondent argues that the prayer of the applicant to consider her for promotion to Postal Service Group B based on her performance in the said examination was decided earlier in an O.A No.357/2010 filed by applicant for promotion with retrospective effect in the cadre of LSG Accountant/APM Accounts and also challenging the rejection of the applicant's request for admission to the Limited Departmental Competitive Examination for promotion to the cadre of Postal Services Group B 2009. During the pendency of the said O.A, the applicant in the instant O.A was permitted to appear for the Postal Service Group B examinations for the year 2009 in compliance of the interim orders of this Tribunal provisionally subject to outcome of the O.A. This Tribunal disposed of O.A 357/2010 and other connected cases by Annexure A-2 common order dated 1.11.2011 directing to update the seniority list in respect of LSG & HSG II posts in accounts line and filling up the vacancies as per seniority and eligibility of the employees first in HSG II and then in LSG cadre as per the clarifications dated 12.11.2002. It was further directed to grant norm based LSG Accountant/APM Accounts promotion with effect from the date of occurrence of vacancies and to consider their eligibility to appear for the PS Group B Examination 2009. Hence the interim order to appear in the exam has not attained finality. In compliance with the directions of this Tribunal in Annexure A-2 order, a Review DPC at Circle level was held on 27.7.2012 to carry out the norm based promotion to the cadre of LSG in Assistant Post Master (APM) Accounts with effect from the date of occurrence of the vacancies year wise in terms of 1979 Recruitment Rules. The DPC considered the eligible officials in the seniority list of PO & RMS Accountants who were in service in 2004 and thereafter granted notional promotion to the cadre of LSG Accountants from the actual date of occurrence of vacancies. The DPC also

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considered the resultant vacancies occurring from 2009 up to 31.12.2012 due to the promotion/retirement of officials. For the purpose of this DPC, the seniority list prepared based on the year of passing with the interse seniority of those passing in the same year fixed according to the date of confirmation in PA cadre up to 4.11.1992 was considered. The 1976 LSG Accountant Recruitment Rules was followed by the DPC for vacancies up to 31.01.2011 and the LSG Accountants Revised Recruitment Rules 2011 for the vacancies occurring after 31.01.2011. Two vacancies arose in the year 2011 after 31.01.2011 and 5 vacancies are due to arise in the year 2012 up to 31.12.2012. The DPC accordingly recommended the notional promotion of the officials as shown in Annexure -II of Annexure R-1 minutes. In accordance with the recommendations of the DPC, the third respondent's office has issued orders, giving notional promotion to the said officials. As evident from the Annexure R-1 DPC minutes, the applicant has not come under the zone of consideration of officials for notional promotion to the cadre of LSG APM (Accounts). As such, the applicant is not entitled to appear for the Postal Service Group B Examination due to non-fulfillment of the mandatory condition of 5 years of regular service in LSG. Hence, the provisional admission granted to the applicant for the said examinations have been invalidated.

9. The issue requiring consideration is the promotion of the applicant to LSG with effect from the year 2000 i.e; the date on which applicant completed 10 years of service in the cadre and based on this to declare the validity of the applicant to be promoted to Group B on the basis of the Group B exam held in May 2010.

10. The applicant was appointed as a regular Postal Assistant w.e.f 2.2.1990. Applicant passed the Accountant's Examination in 2001. The prayer of applicant to be promoted to the higher post LSG APM Accounts in the year 2000, prior to passing the lower Post

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Accountant qualifying examination in 2001 appears to be far fetched. In O.A 357/2010 (and connected cases) filed by applicant, the Tribunal had directed applicants be granted LSG Accounts promotion according to their turn and thereafter their eligibility to appear in PSS Group B Exam 2009 shall be considered. The Tribunal had also ordered to update the LSG & HSG II seniority lists after weeding out the retired persons and thereafter carry out promotion to HSG II cadre first, followed by LSG Promotion.

11. In compliance with the directions of this Tribunal in Annexure A-2 order, we note the following steps undertaken by respondent. An updated seniority list of PO and RMS Accountants was prepared and a Review DPC at Circle level was held on 27.7.2012 to carry out the vacancy norm based promotion to the cadre of LSG in APM (Accounts) with effect from the date of occurrence of the vacancies year wise in terms of 1976 Recruitment Rules. Based on the orders of this Tribunal, the DPC considered the eligible officials in the seniority list of PO & RMS Accountants who were in service in 2004 and thereafter in order to consider them for granting notional promotion to the cadre of vacancy based LSG Accountants from the actual date of occurrence of vacancies. The 1976 LSG Accountant Recruitment Rules was followed by the DPC for vacancies up to 31.1.2011 and the LSG Accountants Revised Recruitment Rules 2011 for the vacancies occurring after 31.1.2011. In the DPC minutes, the respondents have specifically mentioned the occurrence of LSG APM (Accounts) vacancies year wise. HSG II DPC was also conducted on 19.2.2013 after eliminating those who refused LSG promotion (LSG is a State wide cadre and Postal Assistant is a Division/District cadre) and promotion order was issued on 28.2.2013. The applicant filed O.A.No.303/2012 praying to regularize her candidature for the competitive examination for promotion to the cadre of Postal Service Group B 2009 which was held in May 2010. While the above mentioned O.A is pending, the applicant has filed the present O.A seeking the reliefs

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mentioned supra.

12. As per the seniority list, the applicant was not coming within the zone of consideration for promotion to the cadre of LSG – a compulsory requirement for eligibility to appear in the Group B Exam. The applicant was at seniority position 81 in the seniority list and qualified in the PO & RMS Accountant Exam in the year 2001. The above DPC as per available vacancies could cover Accountants up to 1990 Exam for LSG norm/vacancy based promotion. The applicant had qualified in the 2001 Exam. Hence, there were other qualified Accountants between the officials who were qualified as per 2001 Exam and the last LSG Accountant promoted who belonged to the 1990 Examination who had not been impleaded in the Original Application and whose rights would be affected if the applicant's prayer is granted. The applicant had filed Contempt Petition 122/2012 alleging non-implementation of order in O.A 357/2010. The CP(C) was dismissed by the Tribunal with the following order.

“When the applicants did not come within the consideration zone, their entitlement to participate in the Group B examination held in 2010, 2011 and 2012 has been rightly negated as stated in para 5 of the counter affidavit. The order of this Tribunal clearly states that promotion to LSG was to be given according to the turn and for considering their eligibility to appear for the examination for promotion to the cadre of Postal Service Group B” (Annexure R-I).

Hence, the Tribunal has already addressed the non-admissibility of the applicant to participate in the Group B Examination up to year 2012. The applicant has again moved the Tribunal in this O.A after the matter has attained finality by Annexure R-I.

13. The applicant was a Reserve Trained Pool Official who was regularised and absorbed as a Postal Assistant in 2.2.1990. Hence, the regular service of applicant commences only from 2.2.1990.

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14. As per recruitment rules of LSG, the post is a norm and vacancy based cadre and promotion to LSG is based on availability of vacancies in the cadre. The respondent points out that LSG Accountants is a small cadre with 538 posts country wide. The applicant was contesting for only the LSG Accounts post in Kerala. A Postal Assistant with ten years regular service in the grade and who has passed the Accounts Examination is only eligible to be considered for promotion, subject to seniority cum fitness and the availability of vacancies. Hence, the applicant's contention that she got her LSG promotion on completion of ten years service is misplaced. Ten years service is the minimum years of service or residency required for the post based promotion. Hence, if a vacancy arose and an official with 8 years service was available, he would not be eligible for promotion as he did not have the qualification of ten years service. But this does not entitle all persons with ten years service to be automatically promoted. Such a promotion was subject to availability of LSG Accounts vacant post.

15. On the introduction of financial up-gradation on completion of 16 and 26 years service, the respondent abandoned the LSG Accounts promotion. This was corrected by convening a DPC on 29.8.2003 and 130 officials were granted notional promotion to vacancies arising from 1993 onwards. The Tribunal had directed the respondents to carry out year wise norm and vacancy based promotion to LSG and HSG II posts according to the relevant applicable recruitment rules. After preparing an updated Accountant seniority list, a review DPC was held on 27.12.2012 and all vacant LSG Accounts posts were filled on notional basis as per Annexure R2 memo dated 14.9.2012. In the said DPC minutes the respondent has indicated the occurrence of LSG Accounts vacancies year wise from 1992 onwards. The DPC had considered the dates of occurrence of vacancies, persons who were promoted to such vacancies and the details of unfilled vacancies. After taking

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into account those who refused their LSG promotion, as LSG was a state wide cadre and Postal Assistant Accounts was a district/division wide cadre, promotion to the 15 LSG posts upgraded to HSG II was also held and officials promoted. Officials who had passed the PO & RMS Accounts Exam up to 1990 only could be promoted to the norm based LSG posts based on the vacancies in the LSG Accounts cadre. The applicant has passed the Accounts Exam in 2001 and therefore, was not in the zone of consideration for promotion to LSG as Accountants up to 1990 exam only could be promoted. These facts were brought to the notice of the Tribunal in CP(C)122/12, 123/12 and 124/12. Applicant in this O.A was applicant in CP(C) 122/12 and the order as brought out in para 10 supra was issued.

“When the applicants did not come within the consideration zone, their entitlement to participate in Group B Examination held in 2010, 2011 and 2012 has been rightly negatived as stated in para 5 of the counter affidavit. The order of this Tribunal clearly states that promotion to LSG was to be given according to the turn and for considering their eligibility to appear for the examination for promotion to the cadre of Postal Services Group B.”

16. The applicant's contention that she becomes automatically eligible for promotion to LSG on completion of 10 years service and hence is eligible for appearing in Group B Exam in 2000 is misplaced. Promotion to LSG is vacancy based and not residency (of 10 years) based. The residency is prescribed to preclude those with lesser years of service being considered when vacancy based promotions are made. Applicant in an earlier O.A 1131/2013 decided by the Tribunal who had qualified the Accounts Exam as early as in year 1987 was allowed. The applicant in this case is a 2001 Accounts Exam qualified candidate and 14 years junior to applicant in O.A 1131/2013 and hence cannot ride on the same or related relief.

17. The applicant in this O.A, not having been promoted to LSG, thereby does not

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have 5 years service in LSG to qualify for appearing in the Group B Exam. Applicant has also not provided any evidence of any junior having been promoted to LSG by passing the applicant.

18. The contention of the applicant that she was appointed as a regular Postal Assistant and not as a RTP are contested by the respondent. The respondent produces Annexure R3(3) to R3(6) wherein the applicant in this O.A Ms.PT Usha is an applicant in Transferred Application No.522/87 (O.P 7941/85). The first paragraph of this O.A states that the 22 applicants in the O.A including Ms.P.T Usha are Reserved Trained Pool Staff. The Tribunal in the T.A observed as follows:-

“3. Certain other employees falling under the same category as the applicants in this case had filed three writ petitions before the High Court of Kerala in O.P 3615/85, O.P 7911/85 and in O.P 6431/85, all of which were transferred to this Tribunal and numbered here as T.A No.132/87, T.A No.K.520/87 and T.A No.K.765/87. Those applications were heard by a Bench of this Tribunal to which one of us was a party (Shri.G.Sreedharan Nair, Judicial Member) and were disposed of by order dated 25.2.1993. By that order the respondents were directed to give the same pay and allowances as are applicable to the regular employees to the applicants therein for the periods they had worked as Sorting Assistant or Postal Assistant in the Department. It was also declared that they will be entitled to paid holidays as are admissible to the regular staff. All the applicants who were not absorbed in the regular cadre were directed to be so absorbed in the order of merit in the RTP from the dates the regular vacancies arise.

4. As the facts alleged in the present application and the grounds urged are the same, we follow the said decision and dispose of this application as below:-

- (i) The respondents are directed to absorb the applicants, in case they have not been so absorbed, in the regular cadre according to their order of merit in the R.T.P from the dates the next regular vacancies arise.
- (ii) Till such absorption the applicants shall be paid the same pay and allowances as are applicable to the regular employees.
- (iii) The applicants shall also be entitled to all paid holidays as are admissible to the regular staff.

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5. This application is allowed as above."

* In O.A 1123/2012, the judgment of the Apex Court made in Union of India v. K.N.Shivdas & Others C.A 80-123/1996 has been cited which held that persons included in the RTP cannot claim benefits given to Casual Labourers such as productivity linked bonus and also eligibility for appearing in departmental examination and that any service rendered before regular service cannot be counted for eligibility and that any service rendered before regular service cannot be counted for eligibility for appearing in the departmental examination.

19. Hence, the applicant's status as a RTP and not as a regular Postal Assistant as claimed in rejoinder dated 6.1.2015 is established in the above Original Application and it is not for the Tribunal unless otherwise proved official records have to be relied on. The applicant's case is settled in view of observations of the Tribunal in CP(C) filed by applicant as 122/12 in OA 357/10. Hence the applicant cannot re-adjudicate the same matter once again before this Tribunal when the Tribunal has held that the applicant's entitlement to appear in the Group B Examination held in 2010, 2011 and 2012 has been rightly negatived. The important and established fact is that applicant passed the Accountants Examination only in the year 2001. Applicants turn for vacancy based LSG promotion has not yet come as per seniority status in the gradation list. Hence, the applicant does not have 5 years residency service qualification in LSG grade as prescribed in the Recruitment Rules for being considered eligible for appearing in the Group B examination 2010.

20. The Original Application is dismissed accordingly.

21. The main prayer in O.A 302/12 is to regularise the candidature of the applicant for the PSS Group B examination held in May 2010 and to declare the applicant as passed in the said examination. In O.A 357/2010 and connected cases filed by the applicant the Tribunal had already directed that the applicant be granted LSG Accounts promotion according to their turn and thereafter the eligibility to appear in the PSS Group B

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examination shall be considered. CP(C) 122/2012 was dismissed by this Tribunal as follows:-

“When the applicants did not come within the consideration zone, their entitlement to participate in the Group B examination held in 2010, 2011 and 2012 has been rightly negated as stated in para 5 of the counter affidavit. The order of this Tribunal clearly states that promotion to LSG was to be given according to the turn and for considering their eligibility to appear for the examination for promotion to the cadre of Postal Service Group B” (Annexure R-I).

22. In view of the above order this Original Application, O.A No.302/2012 is also dismissed.


(MRS.P. GOPINATH)
ADMINISTRATIVE MEMBER

SV


(N.K. BALAKRISHNAN)
JUDICIAL MEMBER