

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No. 315 of 2010**

.....*Friday*....., this the 18<sup>th</sup> day of November, 2011.

**CORAM:**

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

K. Mohandas,  
Part Time Chowkidar,  
Ponnani Head Post Office,  
Residing at : Kunnathayil,  
Ponnani : 670 597

... Applicant.

(By Advocate Mrs. Jagada Bai)

v e r s u s

1. Union of India, represented by  
The Secretary to Department of Posts,  
New Delhi.
2. Chief Postmaster General,  
Kerala Circle,  
Thiruvananthapuram : 695 033
3. Post Master General,  
Northern Region, Kerala Circle,  
Kozhikode : 673 011
4. Superintendent of Post Offices,  
Tirur Division, Tirur.
5. Postmaster,  
Ponnani Head Post Office.

... Respondents.

(By Advocate Mr. S. Jamal, ACGSC)

The application having been heard on 14.11.2011, the Tribunal  
on 18-11-11..... delivered the following:



ORDER

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

This O.A. was filed on 12.04.2010. The amendment to the O.A. was allowed as per order dated 01.01.2011. The prayer of the applicant is to grant him temporary status and to promote him to the cadre of Group-D against a vacancy available in the year 2005 with all consequential benefits.

2. During the pendency of the O.A., vide order dated 28.03.2011, the applicant was appointed as Group-D, Ponnani Sub Division, with notional effect from 01.08.2009. During the hearing on 14.11.2011, the only prayer made for adjudication was the entitlement of the applicant for notional promotion as Group-D with effect from the year 2005.

3. The contention of the applicant is that there is one vacancy in 2005 earmarked for the casual labourer vide revised Recruitment Rules in Annexure A-11 dated 30.01.2002. There is no full time casual labourer in Tirur Postal Division. The applicant is the senior-most part time casual labourer in that division. He has put in 27 years of continuous part time service in the department. Prior approval of the Screening Committee for filling up this post is not required.

4. The respondents in their reply statement submitted that though six Group-D vacancies had arisen in 2005, nobody was considered for appointment as no approval of the Screening committee was received to fill up those vacancies.



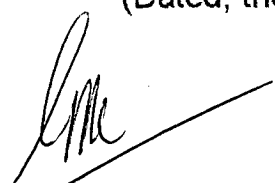
5. We have heard Mrs. Jagada Bai, learned counsel for the applicant and Mr. S. Jamal, learned ACGSC, appearing for the respondents and perused the records.

6. The admitted fact is that there is one vacancy of Group-D out of the six vacancies in the year 2005 against which the applicant can be considered for appointment. The only difficulty faced by the respondents is that the clearance from the Screening Committee is not received. The Hon'ble High Court of Kerala in the judgements dated 22.03.2007 and 23.12.2009 in W.P. (C) Nos. 22818/2006 and 32491/2009 respectively held that no clearance from the Screening committee is required for filling up the posts falling in the 25% quota earmarked for Group-D by selection-cum-seniority. Therefore, the O.A. is liable to be allowed.

7. The respondents are directed to promote the applicant, if he is eligible, in the cadre of Group-D against the vacancy earmarked for casual labourers in the year 2005 as admitted by the respondents with notional effect from the date of vacancy in the year 2005.

8. The O.A. is allowed as above with no order as to costs.

(Dated, the 18<sup>th</sup> November, 2011)



**K. GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE P.R. RAMAN**  
**JUDICIAL MEMBER**