

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 316 OF 2008

FRIDAY, THIS THE 13TH FEBRUARY, 2009

C O R A M :

HON'BLE MR. JUSTICE K. THANKAPPAN, JUDICIAL MEMBER

Mr. K.P. Ashok Kumar,
S/o. Parameswaran nair,
Group-D (Temporary Status),
Aluva Head Post Office, Aluva
Residing at 'Kovattu House',
Thuruthu, Aluva.

... Applicant.

(By Advocate Mr. Shafik M.A.)

v e r s u s

1. Union of India represented by
The Chief Post Master General,
Kerala Circle, Trivandrum.
2. The Superintendent of Post Offices,
Aluva Division, Aluva.
3. Sri P.O. Paulose,
Group-D, Kalady P.O., Kalady,
Ernakulam District. ... Respondents.

(By Advocates S. Abhilash, ACGSC (R1&2) and
Mr. O.V. Radhakrishnan (Sr.) with Mr. Ramachandran (R3)

The Original Application having been heard on 13.02.09, this Tribunal on the same day delivered the following :

O R D E R
HON'BLE MR. JUSTICE K. THANKAPPAN, JUDICIAL MEMBER

The short question in this application is that whether the applicant is entitled for appointment under the 25% reserved quota for casual labourer attained the

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temporary status as per rules or not. Further question is whether there *is* any vacancy to give him appointment as prayed for.

2. I have heard the learned counsel appearing on either side and perused the records. Learned counsel for the applicant has pointed ^{out} that the applicant is working as a temporary stated attained casual labourer from 29.11.89 onwards and is continuing as such as casual labour. As per the existing rules, as and when regular vacancy of Group-D arises, 25% of vacancies shall be earmarked for casual labourers and if so, the applicant is entitled to be considered for appointment under the said quota. The specific case of the applicant is that as per the documents now produced before this Tribunal there are vacancies existed from 2002 onwards. If so, the promotion of any other employee to Group-D post without considering the claim of the applicant is illegal.

3. Both the official respondents and the respondent No. 3 have filed their reply statements. It is evident from the reply filed by the private respondent that there are vacancies in the year 2002 onwards.

4. on considering the factual matrix of the case and the grounds urged by the applicant in this OA, this Tribunal is of the view that the applicant is entitled to be considered for appointment in one of the existing vacancies of Group-D post coming under the quota reserved for casual labourers. The only objection raised in the reply statement is that the Screening Committee has not sanctioned the post to be filled up, but at the same time there is ample evidence to show that there are

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vacancies existing to be filled up by the department. In these circumstances, it is only proper for this Tribunal to direct the 2nd respondent to take immediate steps for giving appointment to the applicant as Group-D under the 25% reserved for casual labourers as per the existing seniority of such casual labourers. Order accordingly. The time calendered for completion of this order is 90 days from the date of receipt of a copy of this order.

5. The Original Application is disposed of with the above direction. No order as to costs.

(Dated, the 13th February, 2009)

Kappan

JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

CVR.