

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 321/04

.....Friday...this the^{28th} day of July, 2006

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**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

P.O.Pulose, S/o Sri Ouseph,
aged 49 years, Working as Group 'D'
(Officiating), Kalady SO, GDSMD,
Manickamangalam BO,
Kalady SO, residing at Pulliyadan House,
Manjapra PO,Aluva.Applicant

(By Advocate Mr. OV Radhakrishnan (Sr)/Mr.Antony Mukkath)

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- 1 Senior Superintendent of Post Offices,
Aluva Division, Aluva.
- 2 Postmaster General,
Central Region, Kozhikode.
- 3 Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
- 4 Director General of Posts,
Dak Bhavan, New Delhi.
- 5 Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.Respondents

(By Advocate Mr.George Joseph, ACGSC)

The application having been finally heard on 4.7.2006, the Tribunal
on 28.7.2006 delivered the following:

ORDER

Hon'ble Mr. George Paracken, Judicial Member

The applicant is seeking promotion to Group 'D' post on
the basis of his seniority against existing vacancies which fall under

the 75% quota set apart for Gramin Dak Sevaks under the Recruitment Rules, 2002. The applicant was initially appointed as an Extra Departmental Delivery Agent (EDDA for short) with effect from 23.10.75. The post of EDDA has since been re-designated as Gramin Dak Sevak Mail Deliverer (GDSMD for short). In the Seniority List of GDSs the applicant is at Sl.No.51. According to the applicant there are 13 clear vacancies of Group 'D' in Aluva Postal Division and out of them six vacancies have to be filled up from among the GDSs of the recruiting division or unit where such vacancies occur failing which by GDSs of the neighboring Division or Units by selection-cum-seniority. The applicant has submitted the Annexure A4 representation to consider him for promotion but the same has not been disposed of by the respondents so far.

2 The respondents in their reply has not disputed either the date of appointment of the applicant as EDDA or his position in the Seniority List. They have submitted that from 15.9.03 onwards the applicant has been working as Group 'D' (outsider), Kalady SO under the Aluva Division consequent upon the superannuation of the regular incumbent. As regards the availability of vacancies, they have submitted that there were only 8 Group 'D' posts vacant in Aluva Postal Division, out of which 4 posts belonged to the years 2001 and 2002. Since those 4 posts were lying vacant for more than one year, they were deemed to have been abolished in terms of the DG (Posts) letter No.28036/8/87-Estt(D) dated 30.03.1988. The remaining four vacancies in Group 'D' posts are only now available

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for direct recruitment. However, with the issuance of the Ministry of Personnel, Public Grievances and Pension OM No.2/8/2001-PIC dated 16.5.2001 the policy and procedure for recruitment has undergone a change. For optimization of direct recruitment to civilian posts, from the year 2001 onwards, all requirements of recruitment are scrutinized to ensure that fresh recruitment is limited to 1 percent of total Civilian Staff Strength. In order to achieve the overall a reduction of 10 percent in five years, by limiting the fresh recruitments to 1 percent, the manpower is expected to be reduced by 2 percent as about 3 percent staff retire every year. Now all Ministries and Departments have to prepare an annual direct recruitment plan covering the requirements of all cadres and submit the same for approval of the Screening Committee headed by the Secretary of the department. The direct recruitment is limited to 1/3rd of the direct recruitment vacancies arising in the year subject to further ceiling that it does not exceed one percent of the total strength of the department. The recruitment process could commence only after obtaining vacancies approved for recruitment from the Screening Committee. In the present case, the Screening Committee has not agreed to fill up all the above mentioned four vacant Group 'D' posts at present existing in the Aluva Postal Division. The Screening Committee was granted approval in the year 2003 to fill up only one Group 'D' post and the senior-most GDS Smt. Nabeesabeevi was appointed to that post. Since the Screening Committee has not granted its approval for filling up the rest of the

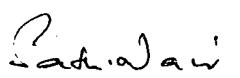
available vacant posts, the respondents have not initiated any action to fill up those posts. However, as and when the approval of the Screening Committee is received, promotions will be made in accordance with the Recruitment Rules and the applicant also will be considered in his turn. They have further submitted that none of his juniors have been promoted disregarding his seniority so far.

3 We have heard Advocate Shri Antony Mukkath for the applicant and Advocate Shri George Joseph, ACGSC for the respondents. The reasons given by the respondents in not filling up all the available vacancies are not arbitrary or illegal. Since, as a matter of policy, when the Government has decided to fill up the vacant posts only on clearance by the Screening Committee and since the Screening Committee has not so far cleared the vacancies in the Aluva Division, the respondents could not take action for filling up these vacancies. Moreover, none of the juniors to the applicant has been promoted. Since the respondents have assured that the vacancies will be filled up as and when the approval of the Screening Committee is received and the applicant also will be considered in his turn in accordance with the Recruitment Rules, no interference by this Tribunal in this matter is called for.

4 The OA is accordingly dismissed. There shall be no order as to costs.

Dated this the 28th day of July, 2006


GEORGE PARACKEN
JUDICIAL MEMBER
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SATHI NAIR
VICE CHAIRMAN