

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.330/2004

Friday, this the 13th day of October 2006.

CORAM:

**HON'BLE MR. KBS RAJAN, JUDICIAL MEMBER
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

A. Divya,
Part-time Sweeper-cum-Scavenger,
Veliyam P.O.,
Kollam District. Applicant

(By Advocate Shri Thomas Mathew rep. by Mr. TCG Swamy)

Vs.

1. Superintendent of Post Offices,
Kollam Division, Kollam.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General,
Department of Posts, New Delhi.
4. Union of India, represented by
its Secretary, Department of Posts,
New Delhi. Respondents

(By Advocate Mrs. K. Girija rep. by Mr. Sunil Jose)

The application having been heard on 13.10.06
the Tribunal on the same day delivered the following

ORDER

HON'BLE MR. KBS RAJAN, JUDICIAL MEMBER

The applicant passed SSLC examination in 1992 with 402 marks. She has also passed Pre-Degree examination. She belongs to O.B.C and has also registered her name in the Employment Exchange. Earlier, according to the applicant, she had rendered a service of more than 240 days in 2002-2003 as Part time Sweeper-cum-Scavenger and as such she is entitled to certain preference in accordance with the provisions of DG, Posts' letter dated 6.6.88. In September 2003, the applicant made a

representation for appointment as GDS Sub Postmaster, Neeleswaram when a vacancy arose therein. This was followed by another representation in January 2004 inviting the attention of the authorities to the order dated 6.6.88. These applications have not been considered by the respondents, who are resorting to short term arrangements engaging outsiders in the vacant post of GDSSPM, Neeleswaram. The applicant has not been considered even as a provisional appointee and hence she has filed this O.A. praying for a declaration that the applicant is entitled to be considered/appointed as GDS Sub Postmaster, Neeleswaram in terms of A-6 order dated 6.6.88 and for a direction to the respondents accordingly and also for a further declaration that, the engagement of outsiders in the vacant post of GDSSPM, Neeleswaram, is illegal, arbitrary and unfair.

2. The respondents in their reply statement stated that, the applicant is a Part time Sweeper-cum-Scavenger at Veliyam P.O. with effect from 21.1.2002. The incumbent to the post of GDSSPM, Neeleswaram was discharged from service in November, 2003, against the vacant post of which the applicant preferred a representation. However, her request could not be considered on account of the provisions of order dated 26.8.2003, whereby the M/o Communications and Information Technology directed that, no vacancy in any of the Multi-handed ED Branch Offices/ED Sub Offices shall be filled up until further orders, and functions of such post are to be carried out by existing hands. According to the respondents, Neeleswaram EDSO is an office having three posts attached to it. It has also been stated that, the above said restriction can be relaxed depending upon the work load and other conditions as contained in order dated 17.2.04 (Ann.R2). According to the respondents action to get sanction as per the Annexure R-2 to fill up the post of GDSSPM, Neeleswaram is under

way and for the time being the duties attached to the said post are being managed by combination of duties temporarily. Respondents have specifically denied the averment of the applicant that the short term arrangements engaging outsiders have been made. They have reiterated that the work is being managed by combination of duties as provided for in accordance with para 8 of order dated 21.10.02 (Annexure R-3). In view of the above submissions, respondents have prayed for dismissal of the O.A. as & being devoid of merit.

3. Arguments were heard and documents perused. The fact that the applicant has been working as a Part time Sweeper-cum Scavenger is not disputed. Hence, the benefits of order dated 6.6.88 (A6) are fully available to the applicant. The respondents themselves have stated that necessary action has been initiated to get the requisite sanction for filling up of the post vide para 3 of their reply. In all expectations the same would have by now been decided upon by the respondents. If it has not so far been decided, the respondents should pursue the matter vigorously, as the post of GDSSPM cannot be handled by combination of duties for a long period. Once such a sanction is available and the respondents call for applications for regular posting as GDSSPM, if the applicant applies for the same, she shall be given preference in accordance with the provisions contained in the order dated 6.6.88, subject to the fulfillment of the conditions as contained in para 4 thereof. In case, the respondents are desirous of initiating the filling the post on provisional basis, then also such a preference be given to the applicant on account of the fact that she has been working as part time casual labourer since 2002.

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4. With the above directions the O.A. is disposed of. No costs.

Dated the 10th October, 2006.


N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


K.B.S. RAJAN
JUDICIAL MEMBER