

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.343/97

Thursday, this the 9th day of December, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR G RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Mohanan K.,
Extra Departmental Delivery Agent,
Velamannoor Branch Post Office,
Kollam District.

..Applicant

By Advocate Mr. Shafik M.A.

Vs.

1. Union of India represented by its Secretary,
Ministry of Communications,
Government of India, New Delhi.
2. Director General of Posts,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.
3. Director (Staff),
Ministry of Communications,
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.
4. Senior Superintendent of Post Offices,
Quilon Division,
Kollam.

..Respondents

By Advocate Mr. James Kurian, ACGSC

The application having been heard on 9.12.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

The applicant seeks to set aside A-2, A-3, A-4 and A-8, to
declare that clause (b) of Rule 2 of A-2 is arbitrary,
unreasonable and unconstitutional and to direct the respondents to
appoint the applicant as Postal Assistant, if necessary by

contd..2/-



relaxing the recruitment rules or by extending relaxed standards with all consequential service benefits.

2. The applicant is an Extra Departmental Delivery Agent (EDDA for short) working under respondents 1 to 4. He entered into service as EDDA on 4.4.1989. With an intent to give career prospects to EDDAs, the Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules were amended in 1992. By the said amendment, EDDAs have been made eligible to get appointed against unfilled vacancies in the 50% promotion quota, if they possess the minimum educational qualification of 10+2 standard and have put in a minimum service of 3 years. However, Rule 2 (b) superimposes that only those Extra Departmental Agents would be eligible for being considered who have secured, not less than 10% marks in comparison to the last open market candidate considered. The said provision is unjust and violative of Article 14 of the Constitution.

3. Respondents contend that Extra Departmental Agents are also eligible to apply for the post as outside candidates. In addition, they are given an opportunity for being considered for selection to the cadre of Postal Assistants against the vacancies that are unfilled due to want of adequate number of eligible departmental candidates on a relaxed standard in respect of age and percentage of marks. This was in consideration of the request made by the Staff Unions representing Extra Departmental Agents. The amended recruitment rules clearly show that the concession has been granted to the serving Extra Departmental Agents.

contd..3/-



4. Identical question was considered by this Bench of the Tribunal in O.A. Nos. 155/97 and 1714/98. All the contentions raised herein were considered in those two O.A.s and those O.A.s were dismissed.

4. Following the common order in the said two O.A.s, this O.A. is only to be dismissed.

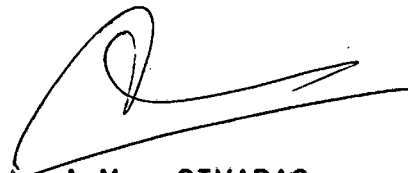
5. Accordingly, the O.A. is dismissed. No costs.

Dated this the 9th day of December, 1999.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

nv/101299



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A-2: True copy of the Department of Posts (Postal Assistants & Sorting Assistants) Recruitment (Amendment) Rules, 1992.
2. Annexure A-3: True copy of the Notification published in Malayala Manorama Daily dated 4.12.1994.
3. Annexure A-4: True copy of the letter No.BB/25/Exam/94 dated 16.6.1995 issued by the 4th respondent.
4. Anneure A-8: True copy of the Order No.66-6/95-SPB-I dated 16.7.1996 of the 3rd respondent.