

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 344 of 91 199

DATE OF DECISION 28.2.92

V.N. Viswanathan Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus  
Union of India & 2 others Respondent (s)

Mr. K.A. Cherian, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N.V. Krishnan, Member (Administrative)

The Hon'ble Mr. N. Dharmadan, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

N. Dharmadan, Member (Judicial)

The applicant, an Extra Departmental Delivery Agent (EDDA for short) at Pallipuram moved this Tribunal to seek a declaration that he is entitled to be included in the select list for appointment/promotion as Postman since he has qualified in the departmental examination.

He further seeks for a direction to the respondents to grant him all consequential benefits.

2. The applicant commenced his service as Extra Departmental Agent on 16-7-76. At present he works as EDDA at Pallipuram. According to the applicant he is

49

was qualified in the examination held on 28-10-90 for being appointed as Postmen. As per the Recruitment Rules 50% of the vacancies are to be filled by promotion from Group-D officials with 3 years regular and satisfactory <sup>posting &</sup> service failing which by <sup>posting &</sup> E.D. Agents on the basis of their merit in the departmental examination and the remaining 50% of the vacancies are to be filled up by E.D. Agents of the recruiting division i.e. 25% on the basis of seniority subject to departmental test qualification and remaining 25% on the basis of merit. The applicant in the light of the above provision in the Recruitment Rules submits that there are no group-D candidates qualified and eligible for recruitment to the cadre of Postmen. The applicant claims that he is the senior-most among the candidates who appeared for the examination and <sup>qualified, but</sup> not selected. He further alleges <sup>with</sup> many of his juniors are seen selected and included in the select list (Annexure-I). The applicant's claim is that if the selection was held on the basis of seniority, he would have <sup>been</sup> got selected. He also invited our attention to Annexures-II and III <sup>and</sup> <sup>with</sup> stated <sup>to be</sup> revised procedures <sup>&</sup> to be followed in the matter of recruitment of Postmen. While Annexure-II speaks of drawing up of an approved list of E.D. Agents

on the basis of their seniority, Annexure-III directs that 50% of the outside quota will have to be on merit and the unutilised departmental quota also would be added to merit quota. The applicant further claims that Annexure-II procedure was to be implemented since it was in vogue when the list was finalised on 6-12-90.

At the same time he <sup>submits his</sup> ~~rejects~~ the implementation Annexure-III <sup>cannot be done by</sup> since it was not communicated to the Badagara Division for its circulation. Hence he prays that his name is to be included in the select list on the basis of his seniority.

3. The respondents filed a reply statement denying all the averments in the Original Application. Relying on the provisions in the Recruitment Rules to the cadre of Postmen they submit that in the present case, the examination for promotion to the cadre of Postmen was notified amongst the employees: The details read as follows:

1. Departmental 11
2. E.D. Agents
  - (a) Merit 6
  - (b) Seniority 6

The respondents contend that the departmental examination was held on 28-10-90 <sup>in which</sup> ~~where~~ 2 group-D officials and other E.D. Agents including the applicant, Shri Viswanathan, participated. Admitting that the applicant is a Scheduled

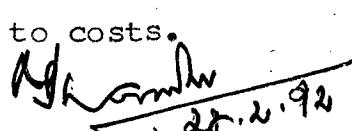
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caste candidate, the respondents submit that the applicant failed to secure at least 30% of marks which is considered to be minimum required for SC/ST candidates.

Hence, he was not included in the select list. The respondents expressly denied the averments of the applicant that he was qualified in the test conducted by the department.

4. We have heard the parties and gone through the documents carefully. We entirely agree with the contention of the respondent that the applicant was not selected due to the fact he failed to secure even the minimum of 30% fixed in the case of SC/ST Candidates. At the same time the applicant has no case of malafides in the examination nor he objected this statement of the respondent by filing a rejoinder. Recently this Tribunal considered and disposed of a similar matter in the application OA 320/91 (M. Vijayan V. Union of India an unreported case) wherein the method of recruitment of E.D. Agents to the cadre of Postmen was discussed in detail and the Bench found that allocation of seats among E.D. Agents and Group-D employees was correct and held valid. We follow our judgment in the above case. In this view of the matter there is no substance in this application. It is only to be dismissed. Accordingly, we do so. We make no order as to costs.

  
(N. Dharmadan) 28.2.92  
Member (Judicial)

  
(N.V. Krishnan) 28.2.92  
Member (Administrative)