

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.4/2002

Wednesday, this the 20th day of February, 2002.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

S.Anup,  
Part Time Sweeper,  
Kaithakode.P.O.  
Kottarakkara Sub Division.                      - Applicant

By Advocate Mr Shafik.M.A.

Vs

1. Union of India represented by  
Secretary/Director General,  
Posts, Ministry of Communications,  
New Delhi.
2. The Chief Post Master General,  
Kerala Circle,  
Trivandrum.
3. The Superintendent of Post Offices,  
Kollam Division,  
Kollam.    - Respondents


By Advocate Ms S Chithra, ACGSC.

The application having been heard on 20.2.2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN


The applicant working as a Part-time Sweeper in the Kaithakode Post Office since 19.12.2000 applied for appointment as GDS Sub Postmaster, Kottathala giving him due preference in accordance with the instructions contained in



the DG, Posts letter No.17-141/88-ED & TRG dated 6.6.88. Finding that his request was not being considered and he had been asked to apply once the vacancy be notified for being filled up regularly, the applicant has filed this application seeking to set aside A-1 order as also the notification A-2. It is alleged in the application that as a Part-time Sweeper, in accordance with DG, Posts' letter dated 6.6.88, he has a preferential right to be considered for appointment.

2. The respondents in their reply statement have contended that the applicant is not being considered because at the moment the attempt is only to fill up the vacancies on a provisional basis, as at any time the original incumbent may rejoin duty. The applicant has applied for appointment as GDS Sub Postmaster with the knowledge that the post can now be filled only provisionally. The instruction contained in letter of DG, Posts does not place any restriction that consideration of casual labourers for appointment to ED posts should be made only when the appointment is being made on a regular basis. The applicant's counsel states that the applicant is prepared to take the risk in case the regular incumbent would come back to join the post.

3. Since the DG, Posts' letter has not made any distinction between process of regular appointment and provisional appointment for giving preference to the casual labourers Part-time or full time, we are of the considered view that the respondents should have first considered the



request of the applicant for appointment to the post of GDS Sub Postmaster before taking recourse to recruitment to the post even on provisional basis from open market.

4. In the light of what is stated above, the impugned order A-1 is set aside. The respondents are directed to consider the applicant for appointment to the post of GDS Sub Postmaster, Kottathala without subjecting him for selection with outsiders. Recruitment from open market should be resorted only if the applicant or any other casual labourers had applied like him is found unsuitable or ineligible for appointment.

5. The O.A. is disposed of as above. No costs.

Dated, 20th February, 2002.



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER



A.V.HARIDASAN  
VICE CHAIRMAN

trs

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the Order No.83/Misc. dated 9.11.2001 issued by the 3rd respondent.
2. A-2 : True copy of the Notice No.83/EDSO/159 dated 11.12.2001 issued by the 3rd respondent.
3. A-3 : True copy of the Order No.PTS/Kaithakode dated 19.12.2000 issued by the SDI of Posts, Kottarakkara.
4. A-4 : True copy of the representation dated 15.10.2001 submitted by the applicant before the SDI, Kottarakkara.
5. A-5 : True copy of the representation dated 27.10.2001 submitted by the applicant before the 3rd respondent.

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