

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.353/10

Wednesday this the 7th day of December 2011

C O R A M :

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

G.Ravikumar,
Postal Assistant (BCR),
Thiruvananthapuram North Postal Division,
Thiruvananthapuram.Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram – 1.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
3. Union of India represented by the Director General,
Department of Posts, Dak Bhavan,
New Delhi – 1.Respondents

(By Advocates Mr.S.Jamal,ACGSC)

This application having been heard on 7th December 2011 this
Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The clause 2 of Annexure A-1 notification, the Recruitment Rules of
the Postal Service Group 'B', prescribes the eligibility condition to appear
for the examination namely, (i) Inspector of Posts with 5 years regular
service in the grade as on 1.1.2008 and (ii) Clerical Line officials working in
Post Offices/RMS Offices/Divisional Offices with 5 years regular service in

.2.

the Lower Selection Grade (LSG) and above as on 1.1.2008. The applicant is a Postal Assistant (BCR) working under the respondents and based upon seniority he had been posted in a norm based LSG post ie. post of PRI (P) from 1.3.2000 onwards. According to him, the respondents had not convened the Departmental Promotion Committees for promotion to the norm based post in LSG. Because of this reasons, the norm based post of LSG and above were manned by senior BCR officials. It was due to the non availability of LSG officials that the senior BCR officials were posted in supervisory LSG and higher posts like HSG etc. Therefore, according to him, had there been regular Departmental Promotion Committees convened to consider the promotion to the norm based post in LSG, the applicant would have been had a chance of being in regular service in the higher post to become eligible for appearing in the examination now held.

2. Admittedly, as per the Recruitment Rules only persons having 5 years of regular service is entitled to participate in the LSG and above. Admittedly, the applicant did not have the regular service, as Departmental Promotion Committees were not convened to consider for promotion to regular service in the LSG Grade. Even though the applicant was provisionally permitted to appear in the examination, the crucial question is as to whether the applicant is eligible to participate in the examination. Strictly going by the rules, since the applicant did not have the regular service of 5 years working in Post Offices/RMS Offices/Divisional Offices in the Lower Selection Grade, the applicant will not be entitled to participate in the examination whether or not the non convening of the Departmental



.3.

Promotion Committees had resulted in non regularization of the applicant in the LSG and whether any concession or relaxation should be granted is not a matter for the Court to direct. Therefore, as the matter stands and going by the rules strictly the applicant will not have the regular service of 5 years for becoming eligible for appearing in the test. It is the contention of the applicant that for no fault of his that he became ineligible to appear for the examination. He had got 7 years of service in the LSG post but not regular. Had the Departmental Promotion Committees convened in regular intervals, the applicant had a fair chance of becoming continuing in the LSG post with regular service. Therefore, if the applicant makes a representation before the appropriate authority to grant proper relaxation in his case, the same will be considered and appropriate orders will be passed. Now that the applicant had already appeared for the examination and qualified, if the representation is favourably considered the follow up action shall be taken based on the examination result. The remaining vacancies may be filled up only after the representation is disposed of. The applicant shall file his representation within a period of three weeks and the same shall be disposed of within a period of one month from the date of receipt of a copy of the representation. The O.A is disposed of as above. No costs.

(Dated this the 7th day of December 2011)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE P.R.RAMAN
JUDICIAL MEMBER

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