

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.354/10

Friday this the 30th day of April 2010

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

C.T.Sukumaran,
GDS Mail Man, SRO, Thiruvalla,
RMS TV Division.

...Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. The Senior Superintendent,
RMS TV Division, Thiruvananthapuram.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.

...Respondents

(By Advocate Mr.George Joseph,ACGSC)

This application having been heard on 30th April 2010 the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant, who is a GDS Mail Man in RMS TV Division, is eligible for being considered for promotion as Group 'D'. However, he was denied consideration despite claiming the benefit of judgment in OA 219/08 which has been passed in favour of a similarly situated junior official in RMS TV Division. His contention is that he is being denied consideration for appointment as Group 'D' only for the reason that he was not a party in the aforesaid OA wherein the following direction has been issued to the respondents :-



.2.

"9. In the face of the aforesaid orders, the respondents themselves should have initiated appropriate action to promote the eligible GDS employees including the applicant in RMS 'TV' Division. There is no justification on their part to withhold the promotion to eligible Gramin Dak Sevaks to the post of Group 'D' to which they are otherwise entitled under the existing Recruitment Rules. In the above facts and circumstance, we allow this OA and direct the respondents to consider the case of the applicant in accordance with his rank and seniority under the 75% quota set apart for Gramin Dak Sevaks under the Department of Posts (Group 'D' Posts) Recruitment Rules, 2002 without waiting for clearance of the Screening Committee and to promote him to Group 'D' post if he is found suitable retrospectively from the date of entitlement of such promotion with all consequential benefits including seniority, arrears of pay and allowances etc. The above direction shall be complied with, within two months from the date of receipt of this order. There shall be no order as to costs."

2. Shri.George Joseph,ACGSC has appeared for the respondent on receipt of the advance copy of the OA.
3. In my considered opinion, this OA can be disposed of at the admission stage itself with a direction to the respondents to consider the applicant for appointment as Group 'D', if he is similarly situated as the applicants in OA 219/08 (supra) and if he is not being considered for appointment in Group 'D' for the only reason that he was not a party in the said OA. If he is not being considered for any other reasons, such reasons shall be communicated to him.
4. The aforesaid directions shall be complied with, within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

(Dated this the 30th day of April 2010)



GEORGE PARACKEN
JUDICIAL MEMBER

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