

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 371/2010

Dated this the 19th day of November, 2010

C O R A M

**HON'BLE MR. JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MRS. K.NOORJEHAN, ADMINISTRATIVE MEMBER**

- 1 K.S. Padmakumar
Gramin Dak Sevak MailMan (GDSMM)
Head Record Office,RMS, TV Division
Thiruvananthapuram-1
- 2 V. Shibu
Gramin Dak Sevak MailMan
Head Record Office,RMS TV Division
Thiruvananathapuram-1
- 3 R. Sajeevkumar
Gramin Dak Sevak MailMan (GDSMM)
Head Record Office, RMS TV Division
Thiruvananthapuram-1

By Advocate Mr. Vishnu S. Chempazhanthiyil

Vs

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

Respondents

By Advocate Mr. George Joseph, ACGSC.

The Application having been heard on 12.11.2011 the Tribunal delivered the following

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants who are working as GDS employees under the 1st respondent, is aggrieved by the inaction on the part of the respondents in considering their claim for appointment as Group-D on the ground that filling up of the posts require approval by Screening Committee.

2 As per the Department of Posts (Group-D) Recruitment Rules 2002, 75% of the vacancies of Group-D posts which remain unfilled after promotion of non test category Group-D employees to test category Group-D, is to be filled up by Gramin Dak Sevaks on the basis of seniority subject to satisfactory service. They submitted that more than 30 vacancies of Group-D remain unfilled in the RMS TV Division. The respondents did not fill up the vacancies available from the year 2002 onwards and that the work was got done by engaging outsiders, retired hands as well as giving overtime to the existing Group-D employees. The stand of the respondents for not filling up the posts was that unless the Screening Committee approves the same the vacancies cannot be filled up. They have also relied on the order of this Tribunal in O.A. No. 312/2008 and connected cases and contended that they are similarly situated like the applicants therein and entitled to similar benefits. They stated that the respondents have confined the order in O.A. 312/2008 and connected cases to the applicants therein only. Hence they filed this O.A for identical reliefs.

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3 The learned counsel appearing for the respondents filed a statement to the effect that the respondents have already filled up the 37 vacancies of Group -D from the year 2002-08 except 8 ST vacancies as there was no eligible ST officials. The learned counsel has produced the seniority list of GDS MM as on 1.7.2010 of RMS TV division in support of his contention. The counsel submitted that the 2nd applicant is at Sl. No. 39, the 1st and 3rd applicants are at position 33 and 40 and as such they would be considered for next recruitment only. The counsel further submitted that the seniority list of GDS is prepared on the basis of the date of appointment of GDS and accordingly, the applicants would get appointment as Group-D in their turn.

4 Heard the parties and perused the documents produced before us.

5 The learned counsel for the applicant states that the last UR candidate, who was appointed as Group-D is at serial number 24. He claims that disciplinary proceedings are instituted against 3 officials who are above the applicants in the seniority list and then 3 vacancies should be filled immediately, by the applicants, without waiting for the finalisation of disciplinary cases. There is no such averment in the O.A and hence this aspect is not replied to by the respondents. The applicants are placed at Sl. Nos. 33, 39 and 40. Shri V. Shibu at Sl. No. 39 got out of turn promotion under SC quota. There are still eligible senior GDS to the applicants in the seniority list awaiting promotion.

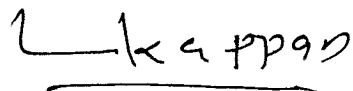
6 In this view of the matter, we direct the respondents to consider the applicants for appointment as Group-D on the basis of their seniority, against the existing/future vacancies in RMS TV Division,

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according to their turn. The O.A is disposed of as above. No costs.

Dated 19th November, 2010


MRS. K. NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

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