

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.391/2009

Dated this the 29th day of June, 2010

C O R A M

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

Radha V.K. W/o Prakashdas
Gramin Dak Sevak Sub Post Master
Vaaranad
residing at Geevans Bhavan
Cheruvaranam, Varanam PO
Cherthala, Alappuzha District.

Applicant

By Advocate Mr. P.K. Madhusoodhanan

Vs.

1 The Superintendent of Post Offices
Alappuzha Postal Division
Alappuzha-688 012

2 The Chief Postmaster General
Kerala Circle
Trivandrum-695 033

3 Union of India represented by
represented by its Secretary
Government of India
Ministry of Posts, New Delhi.

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 11.6.2010 the Tribunal
delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant joined service as Extra Departmental Sub Postmaster (EDSPM -redesignated as Gramina Dak Sevak Sub Post Master (GDSPM)), at Sub Post Office Varanam on 3.6.1980, later transferred to Varanad Sub Post Office on 4.5.1995. She passed SSLC and belongs to SC Community. According to her, she is eligible to be considered for promotion to Group-D post on the basis of her seniority. As per the extant rules, select list is to be prepared every year in January, strictly on the basis of seniority, depending on the vacancies occurring in a calender year and appointments made. The upper age limit for SC/ST is 55 years as on 1st July of the year in which the recruitment is made. The applicant is the next GDS of Cherthala Sub Division of Alappuzha Division eligible for consideration(A-2 and A-3). Though there are 2 vacancies in the Cherthala Sub Division in the year 2008, the respondents have not conducted selection. As the representation submitted by the applicant failed to yield any result, she filed this O.A for a direction to the 1st respondent to convene the DPC for promotion to Group-D post in the year 2008 in the Cherthala Sub Division and Alappuzha Division without any further delay, on the grounds that the inaction, indifference and latches on the part of the respondents prejudicially affected the applicant and she is discriminated against by not considering her for promotion.

2 The respondents filed reply statement. They submitted that the number of posts to be filled up each year has to be decided as per the norms, work load, etc. Recruitment since 2003 in Group-D cadre is pending due to non-availability of vacancies. They further submitted

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that the quota earmarked for SC already stands filled up and that out of a total of 18 Gr. D officials in Chertala Sub Division, there are 8 SC officials. Hence, there are no Group-D posts approved for filling up and here are other GDSs senior to the applicant to be considered for selection. They have also submitted that a few Group-D posts stand were abolished.

3 The applicant filed rejoinder contesting the statement of the respondents that there are no vacancies and produced copy of letter dated 20.10.2009 (Annexure A-5) showing that there are 5 GDSs including the applicant, who were directed to furnish certain documents but no action was taken by the respondents thereafter.. The applicant asserted that there are vacancies yet to be filled up under the SC quota.

4 The respondents filed additional reply statement stating that there were two vacancies of Postmen in Group-C under seniority quota for the year 2007, which were filled up, by her seniors and the applicant lost out as she was placed at Sl. No. 4 in the zone of consideration. There is no averment that her junior has been promoted under the seniority quota. As far as merit quota is concerned, many GDS have been selected as Postmen based on their merit in the departmental examination. They further submitted that as per G.I. MF No. 1/1/2008-IC dated 29.8.2008 all the Group-D employees have been upgraded as Multi Skilled Employees and placed in Group-C cadre. Therefore, the Recruitment Rule's of Group-D post have become redundant and that necessary action for framing of Recruitment Rules is already on the anvil.

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5 We have heard learned counsel for the parties and have carefully gone through the pleadings.

6 The contention of the applicant is that she is at Sl. No. 1 in the seniority list of Cherthala Sub Division. The applicant has alleged that the respondents do not conduct selection every year in Group-D cadre which is mandatory according to the Recruitment Rules. The submission of the respondents is that selection is based on divisional seniority. There are no vacancies in Group-D cadre to be filled up and that there is over representation of SC quota and that whenever vacancies were there, they conducted selection in accordance with the rules but the applicant could not be selected because of her lower seniority.

7 We have perused the DOPT OM dated 30.4.2010 produced by the respondents showing the Model Recruitment Rules for Group-C posts in Pay Band with Grade Pay of Rs. 1800 (pre-revised Group-D posts) issued on the basis of the recommendations of the Sixth CPC. According to the Model Recruitment Rules, erstwhile Group-D posts of Peon, Daftary, Jamadar, Junior Gestetner Operator, Farash, Chowkidar, Safaiwala, Mali etc. were grouped together in to the new Multi Tasking Staff. The relevant portions are extracted below:

"The Sixth CPC recommended that all Group-D posts in the Government will stand upgraded to Group-C, Pay Band-1 with grade Pay of Rs. 1800, along with the incumbents (after suitable training wherever required). The other recommendations of the Commission, in this regard include:-

- (i) There will be no further recruitment in Group-D
- (ii) The existing Group-D posts will be placed in Group-C Pay Band-1 with Grade Pay of Rs. 1800
- (iii) The minimum qualification for appointment to this level will be either 10th pass or ITI equivalent.

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(iv) Multi skilling with one employee performing jobs hither to performed by different Group-D employees
(v) Common Designation for these posts

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4 Ministries/Departments may adopt the designation of MULTITASKING STAFF for some common categories of posts in the Secretariat offices. Annexure II indicates the categories of erstwhile Group-D posts which may be given this designation and illustrative list of duties attached to these posts. For other categories of posts, Ministries/Departments may adopt single designation for posts whose duties are similar in nature and where the officials can easily be switched from one task to another. In all cases, it may be ensured that:-

(a) The posts are classified as Group-C

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(c) The minimum qualification for appointment is prescribed as 10th pass. Where technical qualifications are considered necessary, ITI in the relevant subject may be prescribed as the minimum qualification.

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11	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods	By direct recruitment
12	In case of recruitment by promotion / deputation/absorption, grades from which promotion /deputation/absorption to be made	Not applicable
13	If DPC exists, what is its composition	Group-C Departmental Promotion Committee for considering confirmation (specific composition to be indicated)"

The vacancies of Group-D cadre now upgraded as Grade-C will be filled up as per fresh Recruitment Rules as and when notified in consultation with the Ministry of Law. The Ministries stand instructed, to adopt the model recruitment rules with the approval of the competent authority as per the rules/statutes.

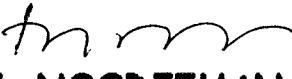
8 Therefore, there is no Group-D cadre as such in the Department. All Group-D employees have been upgraded to Group-C

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cadre. In view of the new development, the avenue of promotion of GDS to Group D cadre has to be done based on model recruitment rules suggested by DOPT and to be notified by the Ministry of Communication in accordance with the prescribed procedure.

9 In this view of the matter, the interest of justice will be met if the O.A is disposed of with the direction to the respondents to finalise the Recruitment Rules as early as possible for Group-D cadre. In the meanwhile, the case of the applicant for promotion shall be considered for Postman vacancies in Group-C cadre in her turn. We order accordingly. No costs.

Dated 29th June, 2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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