

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 7th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

O.A. No.1606 of 2018

B. Dhanalatchumi,
W/o. V. Baskaran,
No.1, LGR Nagar,
Nallambal,
Karaikal,
Pondicherry.

....Applicant

(By Advocate: M/s. R. Malaichamy)

Versus

1. Union of India Rep. by
The Director of Postal Services,
O/o. the Postmaster General,
Central Region (T.N.),
Tiruchirapalli- 620 001;
2. The Superintendent of Post Offices,
Nagapattinam Division,
Nagapattinam- 611 001.

...Respondents

(By Advocate:Mr. Su. Srinivasan)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard Ld. Counsel for the applicant and Mr. Su. Srinivasan, Ld. Sr. CGSC, who takes notice for the respondents. This O.A. has been filed by the applicant seeking the following relief:-

"To direct the 2nd respondent to absorb the applicant as a Sweeper on regular basis or to appoint as MTS (Group-D) or in any other suitable post with all consequential benefits."

2. It is submitted that the applicant was successful in the previous round of litigation in O.A. No. 609/2012 which was allowed by this Tribunal by Annexure -A/6 order dated 18.06.2014. It was directed that the applicant should be considered in any vacancy, existing or which may arise in future, in the MTS cadre with suitable relaxation in age and educational qualification, if required, provided that the applicant was adequately literate and found fit to discharge the duties of the post in MTS cadre.

3. The grievance of the applicant is that on pursuing the matter, the respondents sent Annexure A/15 reply to the notice issued by the counsel for the applicant wherein it is stated that as there were no vacancies in the causal labourer category in 2015-16, 2016-17 and 2017-2018, the appointment of the applicant as MTS was not considered subject to verification of genuineness of TC and approval of the relaxation of age condition by DG, Department of Posts, New Delhi and also subject to her

suitability to perform the duties of MTS at that time. If there is any vacancy arising in the category of casual labourers as MTS in future, the appointment of the applicant as MTS would be considered at that time.

4. Learned counsel for the applicant would submit that the applicant apprehended a rejection of her case based on the fact that the applicant did not possess the requisite educational qualification as prescribed for MTS. He would draw attention to the recruitment rules at Annexure A/17 notified on 12.12.2010 under which although the educational qualification required is a Matriculation or equivalent or ITI from recognized Boards, in case of Casual Labourers to be appointed as Multi Tasking Staff who are not Matriculate they shall be given training before being appointed. As such, the reference to W.P. No. 6828/2015 filed by the respondents in the Hon'ble High Court against the order passed by this Tribunal to the effect that case of the applicant would be considered as ordered by the Tribunal subject to her qualification prescribed for MTS post might come in the way of her selection even when a vacancy arose.

5. We have considered the submissions. At this stage, there is no evidence whatsoever that the respondents would not consider the applicant's case for appointment as MTS even if a vacancy arises in future. On the other hand, Annexure-A/15, reply to the notice issued by the Advocate, clearly states that the applicant's case would be considered when a vacancy arises subject to genuineness of T.C. and approval of the relaxation of age

condition, by DG, Department of Posts, New Delhi and also subject to her suitability to perform the duties of MTS. The issue of educational qualification is not mentioned, as such, we do not see any cause for interference by this Tribunal at this stage.

6. Learned counsel for the applicant would submit that the applicant may be granted liberty to make a fresh representation to the respondents in this regard and seek an assurance that the lack of educational requirement would not be held against her. It is clarified that the disposal of this OA as above would not preclude the applicant from making any representation and in case of such representation, it is for the respondents to clarify the matter appropriately.

7. O.A. is disposed of with the above observations. No costs.

(P.MADHAVAN)
MEMBER (J)

(R. RAMANUJAM)
MEMBER (A)

07.12.2018

Asvs.