

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCHDated the Tuesday 14th day of February Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. JUSTICE A. ARUMUGHASWAMY, MEMBER (J)
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00518/2016

P. Boominathan,
S/o. Pitchaian,
Valavanpuram,
Thanjavur District,
PIN- 614 601.

....Applicant

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

VS.

1. Union of India,
Rep. by the Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;
2. Senior Superintendent,
RMS 'T' Division,
Tiruchirappalli- 620 001.

...Respondents

(By Advocate: M/s. Kishore Kumar)

ORAL ORDER

(Pronounced by Hon'ble Mr. Justice A. Arumughaswamy, Member (J))

The case of the applicant is that he entered in the Department as Mazdoor/PTC in the year 1983 of the 2nd respondent. Thereafter, he was working at Mayiladudurai, Pattukottai SRO and promoted to Gramin Dak Sevak Mailman (GDS MM) and posted at Pattukottai SRO with effect from 26.2.1997. Because of the abolition of Sub Record Office (SRO) at Pattukottai, he was posted at Thanjavur SRO as GDS MM. He made representation to post him as Multi Tasking Staff (MTS) on seniority basis as he is the senior most official in the Division. He was denied the same stating the he is over aged. But his juniors, namely, Shri J. Chareles (OC) and Shri B. Ravichandran (OBC) were appointed as MTS vide order dated 05.01.2015. It is stated that he is eligible to compete with the other candidates for selection and appointment on seniority basis against the vacancy earmarked for OC category. Hence, he is eligible to be promoted as MTS at par with his juniors as mentioned above. It is further stated that had the respondents selected the candidates during the year of vacancy, the applicant would have got appointment as MTS at the earliest even against UR vacancies before he completed 50 years of age. It is further stated that respondents abolished 75% MTS vacant post for want of approval of screening committee and a case is pending before the Principal Bench of the Tribunal. He made representations dated 22.09.2015 & 29.09.15 to the 2nd respondent. But there was no response. Instead, some of junior officials of his were also appointed as MTS by an order dated 29.09.2015. It is stated that similarly placed

persons had approached the Tribunal and their prayer was allowed. The W.P. filed by the respondents were dismissed and thereafter they were appointed. Applicant approached the Tribunal in O.A. 1596/2015, which was disposed of by an order dated 18.11.2015. The respondents passed an order dated 2.3.2016, which is challenged in the instant O.A. seeking the following reliefs:-

"1. To call for the records of the 2nd Respondent pertaining to his order which is made in Memo NoB2/MTS Recruitment 2015 dated 02.03.2016 and set aside the same; consequent to and

2. direct the Respondents to appoint the applicant as MTS at par with his junior with all attendant benefits."

2. Respondents have filed reply contesting the O.A. It is stated by the respondents that the Regional Office, Tiruchirappalli in letter dated 18.8.2015 approved Total 4 (UR-3; SC-0, ST-0 & OBC -1) MTS vacancies for the year 2015 in respect of 25% of vacancies to be filled from amongst GDS on the basis of selection cum seniority. It is further stated that as per MTS Recruitment Rules 2015, the age limit as on 01.04.2015 for appointment of GDS shall be i) For UR vacancies- 50 years; ii) for SC/ST vacancies – 55 years and iii) for OBC vacancies- 53 years. As on 01.04.2015, the applicant had crossed the age 50 years of age and no SC/ST vacancies had been earmarked for the year 2015. Hence, the case of the applicant could not be considered and the same had been communicated to the applicant by letter dated 02.03.2016 as per the

directions of the Tribunal in O.A. 1596/2015 dated 07.12.2015.

Therefore, the respondents pray for the O.A. to be dismissed.

3. It is not in dispute that for the MTS vacancies for the year 2015 in respect of 25% of vacancies to be filled from amongst GDS on the basis of selection cum seniority. Admittedly, the applicant's age as on 1.4.2015 was 52 years 0 months 22 days and there were no vacancies earmarked for SC category. Applicant earlier approached the Tribunal by filing O.A. No. 1596/2015, which was disposed of by order dated 18.11.2015 by directing the respondents to consider the representation dated 22.09.2015 and pass appropriate orders. After considering his representation, the respondents passed order 02.03.2016 stating that case of the applicant could not be considered for selection as MTS in seniority quota under UR vacancies as he was not within the age limit prescribed in Multi Tasking Staff Recruitment Rules for selection of GDS for MTS Posts.

4. Under the circumstances, the respondents have considered the case of the applicant and passed orders in pursuance of the orders of the Tribunal in O.A. 1596/2015 dated 07.12.2015 and they could not consider the case of the applicant favourably. There appears to be no scope for interference in the decision of the respondents. The O.A. is devoid of merits and the same is hence dismissed. There shall be no order as to costs.