

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00827/2015

Thursday, this the 11th day of July, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER

1. Shri Rajeev K.,
S/o Gireesan P.,
Aged 34 years,
MTS, 8377045-W Sep/PO,
722 FPO, Pin-900722,
C/o 99 APO on deputation from
Thrissur Postal Division,
Having permanent resident at
Puzhankara House,
Kundannur P.O.,
Wadakanchery,
Thrissur – 680 590.
2. Shri Prajith A.S.,
S/o N.A.Sankaran Kutty,
Aged 27 years,
MTS, 8377057I Sep/PO,
504 Postal Unit, Pin-902504,
C/o 99 APO on deputation from
Thrissur Postal Division,
Having permanent residence at
Alathy House, Kottapadi P.O.,
Guruvaryur (via), Pin-680505.
3. Shri Jayarajan C.,
S/o C.Krishnan Kutty,
Aged 31 years, MTS,
8377052M Sep/PO,
59 INF Divisional Postal Unit,
Pin-902259, C/o 59 APO on
deputation from Irinjalakuda Postal Division,
Having permanent residence at

.2.

Chillayil House,
Madayikonam, Pin-680712.

4. Shri Darvindas K.M.,
S/o Mohandas K.R.,
Aged 29 years,
MTS, 8377054X, Sep/PO,
8 MTN Divisional Postal Unit,
Pin-902208. C/o 56 APO on
deputation from Irinjalakuda Postal Division,
Having permanent residence at
Kozhottil House,
mattathur P.O., Thrissur-680 684.
5. Shri Ajith Kumar,,
S/o K.Ramakrishnan,
Aged 31 years,
MTS, 8376839-P, Sep/PO,
ICBPO, Pin-900056,
C/O 56 APO on deputation from
Aluva Postal Division,
Having permanent residence at
Cheruvanthikkara Hosue,
Desom P.O.,
Aluva – 683 102.
6. Shri Renjith E.R.,
S/o Raveendran S.,
Aged 27 years,
MTS, 8377055-A Sep/PO,
71 Sub Area Postal Unit,
Pin-902671, C/O 56 APO on
deputation from Kottayam Postal Division,
Having permanent residence at Edasseril House,
Enezham. Thalayazham P.O.,
Vaikom, Kottayam – 686 607.
7. Shri Renjith K.G.,,
S/o Gopinathe Pillai K.G.,
Aged 35 years, MTS, 8377043-L Sep/PO,
59 Inf Divisional Postal Unit,
C/o 99 APO on deputation from

.3.

Changanassery Postal Division,
Having permanent residence at Kuravanolil House,
Cheruvally P.O.,
Manimala, Kottayam,
Kerala – 686 543.

Applicants

(By Advocate Mr.V.Sajith Kumar)

V e r s u s

1. The Union of India,
represented by the Secretary to Government,
Department of Posts,
Ministry of Communications,
Government of India,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle,
Trivandrum – 695101.
3. The Senior Superintendent of Post Offices,
Thrissur Postal Division,
Thrissur – 680 001.
4. The Senior Superintendent of Post Offices,
Irinjalakuda Postal Division,
Irinjalakuda – 680 101.
5. The Senior Superintendent of Post Offices,
Aluva Postal Division,
Aluva – 683 101.
6. The Senior Superintendent of Post Offices,
Kottayam Postal Division,
Kottayam – 686 001.
7. The Senior Superintendent of Post Offices,
Kottayam Postal Division,
Kottayam – 686 001.

.4.

8. The Superintendent of Post Offices,
Changanassery Postal Division,
Changanassery – 686 101.

9. The Additional Director General of Army Postal Service,
Additional Directorate General,
APS. Pin-908700,
C/o. 56 APO.

Respondents

(By Advocate Mr. S.Ramesh, ACGSC)

This application having been heard on 11th July, 2019, the Tribunal on delivered the following order as on the same day:

O R D E R (ORAL)

(By Ashish Kalia, Judicial Member)

Applicants who are working as regular MTS in APS are aggrieved by the refusal of the respondents to consider them for appointment as Postman from the quota set apart for persons in the MTS category. The stand of the Department is that by order dated 5.7.2019, the competent authority has observed as under:-

"In pursuance to the orders contained in Directorate letter No.47-01/2003-SPB-I dated 12.6.2017 and No.47-01/2003-SPN-I dated 10.5.2019, the Competent Authority has approved for regularization of services of the enclosed personnel who were sent to Army Postal Service (APS) on deputation after giving them one day technical appointment as Group 'D' from the date noted against their names."

2. In view of the above, the present OA in which the prayer made by the applicants is to declare that the applicants working as MTS/Group 'D' against regular vacancies in APS are entitled to be considered as regular Group 'D' for purpose of being considered for appointment as Postman, is allowed, and we

.5.

declare that they are entitled to appear in the examination for the post of Postman. With the above observations, the OA stands disposed of.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

aa

List of Annexures in O.A. No.180/00827/2015

1. **Annexure A1:** True copy of the Memo No.B2/APS dated 24/10/2008 issued by the 6th Respondent.
2. **Annexure A2:** True copy of the Application submitted by the 6th Applicant.
3. **Annexure A3:** True copy of the Notification No.Rectt/12-2/2015 dated 05/08/2015 issued by the 2nd Respondent.
4. **Annexure A4:** True copy of the Representation dated 01/10/2015 submitted by the 6th Applicant to the 6th Respondent.
5. **Annexure A5:** True copy of the Hall Ticket issued to the 1st Applicant.
6. **Annexure A6:** True copy of the Hall Ticket issued to the 7th Applicant.
7. **Annexure A7:** True copy of the letter No.90414/APS-IC/R-341(b)(pt) dated 17/06/2010 issued by 7th Respondent.
8. **Annexure A8:** True copy of the Letter No.47-1/2003-SPB-1 dated 07/04/2010 issued on behalf of the 1st Respondent.
9. **Annexure R1:** True copy of Directorate letter no.47-4/96S PB I dated 28.05.1997.
10. **Annexure R2:** Copy of Directorate letter No.90413/APS IC/R-341 (b) dated 09/06/1997.
11. **Annexure A9:** True copy of the letter No.47-1/2003-SPB-1 dated 23/07/2003 issued by the 1st Respondent.
12. **Annexure R3:** True copy of letter No.Rectt/10-3/2008/IV dated 09.12.2008.
13. **Annexure R4:** True copy of such undertaking furnished by Sri Ajith Kumar, C.R, 5th applicant.
14. **Annexure R5:** True copy of Application submitted by the 1st applicant.
15. **Annexure R6:** True copy of hall permit issued to the 1st applicant.
16. **Document No.1 (D1):** Letter of Promotion issued to Applicants 1 and 2 dated 29/10/2008.
17. **Document No.2 (D2):** Application form for promotion to cadre of Postman submitted by Applicant No.1 dated 29/4/2015.

18. **Document No.3 (D3):** Application Form for Promotion to the cadre of Postman submitted by Applicant No.2 dated 21.08.2015.
19. **Document No.4 (D4):** Hall Permit issued to Applicant No.1 Rajeev for exam dated 11/10/2015
20. **Document No.5 (D5):** Hall Permit issued to Applicant No.2 for exam dated 11/10/2015.
21. **Document No.6 (D6):** Letter of Promotion issued to Applicant No.3 and 4 dated 29/10/2008.
22. **Document No.7 (D7):** Declaration filed by Applicant No.3 dated 29/10/2008.
23. **Document No.8 (D8):** Declaration filed by Applicant No.4 dated 29/10/2008.
24. **Document No.9 (D9):** application for Promotion to the Cadre of Postman submitted by applicant No.4 dated 13/01/2015.
25. **Document No.10 (D10):** Hall Permit issued to Applicant No.4 for exam dated 11/10/2015.
26. **Document No.11 (D11):** Application for LDCE dated 15/09/16 submitted by Applicant No.4.
27. **Document No.12 (D12):** Hall Permit for LDCE issued to Applicant No.4 for examination dated 23/10/2016.
28. **Document No.13 (D13):** Application for Promotion to cadre of village postman submitted by Applicant No.3 dated 31/03/2015.
29. **Document No.14 (D14):** Hall permit for Examination dated 11/10/2015 for Promotion to the Cadre of Postman submitted by Applicant No.3 Jayarajan C.
30. **Document No.15 (D15):** Letter of Deputation of GDS to APS issued to Applicant No 5 Ajith Kumar dated 10/01/2008.
31. **Document No.16 (D16):** Declaration furnished by Applicant No.5.
32. **Document No.17 (D17):** Application for Promotion to cadre of Postman submitted by Applicant No 5 dated 25/02/2015.
33. **Document No.18 (D18):** Hall Permit issued to Applicant No.5 for examination dated 11/10/2015.
34. **Document No.19 (D19):** Letter of Deputation of GDS to APS issued in favour of Applicant No.6. Renjith E R.

35. **Document No.20 (D20):** Undertaking furnished by Applicant No 6 dated 30/10/2008.
36. **Document No.21 (D21):** Application for Promotion to cadre of Postman submitted by Applicant No 6 dated 02/05/2015.
37. **Document No.22 (D22):** Hall Permit issued to Applicant No 6 for examination dated 11/10/2015.
38. **Document No.23 (D23):** Application to the post of postman dated 31/05/2016.
39. **Document No.24 (D24):** Hall Permit for LDCE Examination dated 09/10/2016 issued to Applicant No 6.
40. **Document No.25 (D25):** Application for LDCE dated 20/09/2016 submitted by Applicant No 6.
41. **Document No.26 (D26):** Hall Permit for LDCE Examination dated 23/10/2016 issued to Applicant No 6.
42. **Document No.27 (D27):** Technical Appointment Order dated 30/10/2018 issued in favour of Applicant No. 7.
43. **Document No.28 (D28):** Declaration furnished by Applicant No 7.
44. **Document No.29 (D29):** Application for Promotion to cadre of Postman submitted by Applicant No 7.
45. **Document No.30 (D30):** Hall Permit for LDCE Examination dated 6/10/2013 issued to Applicant No.7.
46. **Document No.31 (D31):** Application for Promotion to cadre of Postman 01/04/2014 submitted by Applicant No.7.
47. **Document No.32 (D32):** Hall Permit for LDCE Examination dated 12/10/2014 issued to Applicant No.7.
48. **Document No.33 (D33):** Application for Promotion to cadre of Postman dated 31/03/2015 submitted by Applicant No 7.
49. **Document No.34 (D34):** Hall Permit for LDCE Examination dated 11/10/2015 issued to Applicant No.7.
50. **Document No.35 (D35):** Application for Promotion to cadre of Postman dated 30/03/2016 submitted by Applicant No 7.

- 51. **Document No.36 (D36):** Hall Permit for LDCE Examination dated 9/10/2016 issued to Applicant No.7.
 - 52. **Document No.37 (D37):** Application for LDCE to cadre of MTS dated 9/09/2016 submitted by Applicant No 6.
 - 53 **Document No.38 (D38):** Hall Permit for LDCE Examination dated 23/10/2016 issued to Applicant No.7.
-