

Jithesh Kumar a.P vs Union of India

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : OP (CAT)/24/2021

Appellant : Jithesh Kumar a.P

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, OA NO.180/00159/2017 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM PETITIONERS/APPLICANTS 1, 5 & 6 IN OA: 1 JITHESH KUMAR A.P AGED 34 YEARS S/O. A.P. KRISHNAN, GDS BPM, ERAVIMANGALAM - 679340, MANJERI DIVISION, DEPARTMENT OF POSTS, RESIDING AT ALIKKAL PARAMBIL HOUSE, CHERUKARA (P.O), PERINTHALMANNA, MALAPPURAM - 679340. 2 AMBILY PAULOSE

AGED 36 YEARS D/O.V.J.PAULOSE, GDSMD, KIZHAKOMBY, B.O, (NOW PROMOTED AS POSTMAN, PIRAVAM POST OFFICE), - 686664, ALUVA DIVISION, DEPARTMENT OF POSTS, RESIDING AT VADAKKEDATH HOUSE, KIZHAKOMBU (P.O), KOOOTHATTUKULAM - 686662.

3 PRASANTH M AGED 32 YEARS S/O. MURUKESAN C., GDSMD, KATTACHIRA B.O, KIDANGOOR S.O, PIN - 686572, KOTTAYAM DIVISION, DEPARTMENT OF POSTS, RESIDING AT KURUKAVILASAM HOUSE, PUNNATHARA (P.O), KOTTAYAM - 686583. BY ADVS. P.K.MADHUSOODANAN SRI.P.M.BINOY KRISHNA ..2.. RESPONDENTS/RESPONDENTS 1-7 AND APPLICANTS 2-4 IN OA: 1 UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF POSTS, MINISTRY OF COMMUNICATIONS, GOVERNMENT OF INDIA, NEW DELHI - 110001.

2 THE CHIEF POST MASTER GENERAL KERALA CIRCLE, TRIVANDRUM - 695033. 3 THE SUPERINTENDENT OF POST OFFICES MANJERI POSTAL DIVISION, MANJERI - 676121. 4 THE SUPERINTENDENT OF POST OFFICES IRINJALAKUDA POSTAL DIVISION, IRINJALAKUDA - 680121. 5 THE SUPERINTENDENT OF POST OFFICES VADAKARA POSTAL DIVISION, VADAKARA - 673101. 6 THE SUPERINTENDENT OF POST OFFICES ALUVA POSTAL DIVISION, ALUVA - 683101. 7 THE SUPERINTENDENT OF POST OFFICES, KOTTAYAM POSTAL DIVISION, KOTTAYAM - 686001.

8 VEENA K.T AGED 30 YEARS D/O. VASUDEVAN K.T, GDSMP, MUNDUPARAMBA S.O, MANJERI DIVISION, DEPARTMENT OF POSTS, RESIDING AT KARUTHODIYIL HOUSE, MUNDUPARAMBA P.O, MALAPPURAM - 686509. 9 SOUMYA JOSEPH C. AGED 34 YEARS W/O. SINTO M.A, GDSMD, NADUVARAMBA P.O, IRINJALAKUDA DIVISION, DEPARTMENT OF POSTS, RESIDING AT MALIYEKKAL HOUSE, VELLANGALLUR P.O, KALPRAMBA,

THRISSUR - 680662. ..3.. 10 SHIJI KANJIRAMULLATHIL AGED 34 YEARS D/O.CHATHU, GDSMC, PASUKKADAVU B.O, VADAKARA DIVISION, DEPARTMENT OF POSTS, RESIDING AT KANJIRAMULLATHIL HOUSE, CHAPPANTHOTTAM P.O, KAVILUMPARA (VIA), KOZHIKODE - 673513. BY S.KRISHNA, CGC THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..4..

JUDGMENT

A. MUHAMED MUSTAQUE, J.

The petitioners are Gramin Dak Sevaks (GDS), who appeared for the examination notified for the post of Postal Assistant pursuant to Annex.A1 notification issued on 27.06.2016. They are all eligible to be appointed as Postal Assistants. However, for want of vacancies in their division, they are not appointed. Therefore, they approached the Central Administrative Tribunal for appointing them in vacancies available in other divisions. They pointed out the past practice adopted by the Postal Department in appointing such qualified persons as Postal Assistant in other divisions other than the division which they work as GDS.

2. We notice Annex.A1 notification. In Clause 5 of i-

Eligibility conditions in Annex.A1 notification, it is prescribed that the GDS of a particular division will be considered only against the vacancies of that division and not that of other divisions. In that view of the matter, we are not inclined to give any direction in this matter as the ..5.. Tribunal noted that there exist no other norms or rules for consideration of a qualified GDS for appointment as Postal Assistant in other divisions. In that view of the matter, there is no merit in this original petition. Accordingly, the original petition stands dismissed. Sd/- A. MUHAMED MUSTAQUE JUDGE Sd/- SHOBA ANNAMMA EAPEN JUDGE bka/- ..6.. APPENDIX OF OP (CAT) 24/2021 PETITIONER ANNEXURES ANNEXURE A6 TRUE COPY OF THE MEMO NO.RECTTT/O.A.14/2017 DATED 10.02.2017 ISSUED BY THE 2ND RESPONDENT. ANNEXURE A1 TRUE COPY OF THE NOTIFICATION NO. RECTT/10-6/2013/1 DATED 27/06/2016 ISSUED BY THE

EXHIBIT P1 TRUE COPY OF THE O.A 180/159/2017
BENCH. EXHIBIT P2 TRUE COPY OF THE REPLY STATEMENT DATED
3.10.2017 FILED BY THE DEPARTMENTAL RESPONDENTS. EXHIBIT P3
REJOINDER FILED BY THE APPLICANTS IN THE O.A 14/2017. EXHIBIT P4
TRUE COPY OF THE ADDITIONAL REPLY STATEMENT DATED 14.03.2019
FILED BY THE DEPARTMENTAL RESPONDENTS. EXHIBIT P5 TRUE COPY
OF THE ORDER DATED 1.2.2021 IN O.A NO.180/159/2017 PASSED BY THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH. Exhibit P6
TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT IN O.P(CAT)
10/2021, DATED 12/03/2021

Exhibit P7 TRUE COPY OF THE LETTER NO. F. NO. 04-
COMMUNICATION, DEPARTMENT OF POST, NEW DELHI. ..8.. Exhibit P8
TRUE COPY OF THE ORDER DATED SUPERINTENDENT OF POST OFFICES,
KOTTAYAM DIVISION Exhibit P9 TRUE COPY OF THE DECLARATION OF
RESULTS OF SURPLUS QUALIFIED LIMITED DEPARTMENTAL COMPETITIVE

EXAMINATION FOR GDS TO THE POSTS OF PA/SA AND THE POSTING GIVEN TO THOSE SUCCESSFUL SURPLUS CANDIDATES IN THE SELECTION TO THE NEIGHBOURING VACANCIES.

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