

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 29469 of 2008 (Z)

OA 1/2008 of CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

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PETITIONER(S):

**R.BABU, AGED 32 YEARS, S/O. RAVEENDRAN PILLAI,
KUTTIKATTU MALATHIL PUTHENVEEDU,
POOYAPPALLY P.O., KOTTARAKKARA.**

**BY ADVS.SRI.P.C.SEBASTIAN
SRI.MARTIN G.THOTTAN**

RESPONDENT(S):

- 1. THE SUPERINTENDENT OF POST OFFICES
KOLLAM DIVISION, KOLLAM 690 001.**
- 2. THE CHIEF POSTMASTER GENERAL, KERALA CIRCLE,
THIRUVANANTHAPURAM 695 033.**
- 3. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF COMMUNICATIONS,
DEPARTMENT OF POST, NEW DELHI.**

**R1-3 BY ADVS. SRI.ALEX VARGHESE, CGC
SRI.T.P.M.IBRAHIM KHAN, ASGI
SRI.P.PARAMESWARAN NAIR, ASGI
SRI. N.NAGARESH, ASGI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1: TRUE COPY OF LETTER NO.45-24/88 SPB-I DT.17.5.89 FROM THE DG DEPT. OF POST, NEW DELHI.**
- P2: TRUE COPY OF LETTER NO.17-141/88-EDC & TRG. DT.6.6.88 OF DG DEPT. OF POST, NEW DELHI.**
- P3: TRUE COPY OF LETTER NO.RECTT/27-1/IV DT.31.3.92 ISSUED BY CHIEF POSTMASTER GENERAL, KERALA, THIRUVANANTHAPURAM.**
- P4: TRUE COPY OF ORDER DT.24.9.99 OF CAT, ERNAKULAM IN OA.1439/98 AND OA. 101/99**
- P5: TRUE COPY OF ORDER DT.11.8.06 OF CAT, ERNAKULAM IN OA.597/05**
- P6: TRUE COPY OF OA.1/08 EXCLUDING ANNEXURES FILED BEFORE CAT , ERNAKULAM.**
- P7: TRUE COPY OF STATEMENT DT. 28.1.08 FILED BY THE COUNSEL FOR RESPONDENTS IN OA.1/08**
- P8: TRUE COPY OF THE ORDER DATED 11.7.08 ISSUED BY THE CAT, ERNAKULAM IN OA.1/08**

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

W.P.(C) No.29469 of 2008

Dated this the 3rd day of February, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General quite in extenso.

2. The writ petitioner filed an original application before the Central Administrative Tribunal, Ernakulam Bench. He challenged the refusal of the postal department to consider his claim for appointment in the vacancy of Gramin Dak Sevak Branch Postmaster at Kulakkada in terms of a Government Order dated 6/6/1988, which provides preference to casual labourers in the matter of recruitment to such posts. The Tribunal found that he was entitled to the benefit of the Government Order, but directed the establishment to consider his claim along with outsiders giving preference to him by working out a mode to give him a preference to the extent other things being equal. All other issues stand concluded in favour of the petitioner.

3. We see that the point raised in this writ petition directly

stands covered in favour of the petitioner by the judgment of this Court in W.P.(C) No.14560 of 2007, wherein this Court had taken note of two earlier orders of the Tribunal and had directed that preferential treatment ought to be given to the exclusion of outsiders. We, hence, follow the said judgment in W.P.(C) No.14560 of 2007 and allow this writ petition directing that the impugned decision of the Tribunal will be given effect to by giving preference to the petitioner to the exclusion of all outsiders. The impugned order of the Tribunal will stand modified to that extent.

This writ petition is ordered accordingly.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.