

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 18-08-2016

DELIVERED ON: 31-08-2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.35016 of 2012

and M.P.No.1 of 2012

1. Postal Accounts Schedule Caste and
Schedule Tribe Employees' Welfare Association
O/o.the General Manager
Postal Accounts & Finance
No.7, Ethiraj Salai
Egmore, Chennai - 600 008
Rep. by its Secretary R. Udayakumar
2. Nagammal Matheswaran ... Petitioners

Vs.

1. Union of India
Rep. by the Secretary
Department of Posts
Dak Bhawan, Sansad Marg
New Delhi - 110 001
2. Member Finance
Department of Tele Communication
Sanchar Bhawan
New Delhi - 110 001
3. The Deputy Director General
Postal Accounts & Finance
Dak Bhawan
New Delhi - 110 001

4. The Assistant Director General
(Postal Accounts-Admn)
Ministry of Communications &
Information Technology
Department of Posts
Postal Accounts Wing
4th Floor
Dak Bhawan, Sansad Marg
New Delhi - 110 001

5. The General Manager
Postal Accounts & Finance
Tamil Nadu Circle
Ethiraj Salai
Chennai - 600 008

6. The Registrar
Central Administrative Tribunal
Chennai - 600 104

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari fied Mandamus calling for the records pertaining to the order of the sixth respondent which is made in O.A.No.539 of 2010 dated 17-08-2011 and quash the same, consequent to direct the respondents 1 to 5 to maintain circle wise roster points in respect of AAO cadre and to pass orders.

For petitioners : Mr. R. Malaichamy

For Respondents : Mr. V. Balasubramanian,
Senior Panel Counsel for RR1 to 5
R6 - Tribunal

ORDER

(Order of the Court was delivered by A.SELVAM, J.)

This writ petition has been filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari fied mandamus calling for records relating to the order of the sixth respondent, passed in O.A.No.539 of 2010 dated 17-08-2011 and quash the same and consequently direct the respondent Nos.1 to 5 to maintain circle-wise roster points in respect of Assistant Accounts Officer('AAO' in short) Cadre.

2. The petitioners herein as applicants have filed O.A.No.539 of 2010 on the file of the Central Administrative Tribunal, Madras Bench wherein the present respondents have been shown as respondents.

3. It is averred in O.A.No.539 of 2010 that the first applicant is the Secretary, Postal Accounts Scheduled Caste and Scheduled Tribe Employees Welfare Association of the fifth respondent Office. The applicant Nos.2 to 5 have been posted as AAO against the posts reserved for Scheduled Caste and Scheduled Tribe (SC-ST) Candidates as per order of the fourth respondent in Letter No.3(3)/99/PA-Admn.I/245 to 288 dated 07-07-2006. The applicant Nos.2 to 5 have been adversely affected by the orders of the respondents. Under the said circumstances, O.A.No.539 of 2010 has been filed for the relief sought therein.

4. The Central Administrative Tribunal, Madras Bench after considering the contentions put forth on either side has dismissed O.A.No.539 of 2010 by way of passing the impugned order and the same is being challenged in the present writ petition.

5. The learned counsel appearing for the petitioners has contended to the effect that on 29-04-2010, the fourth respondent has issued a letter No.301 (16)/2010/PA Admn III/432-481 dated 29-04-2010 and thereby withdrawn the orders of permitting local officiating arrangement for filling up the post of Junior Accounts Officer ('JAO' in short) by Senior Accountants with minimum three years of regular service against the vacant posts earmarked for SC-ST candidates and in order to set aside the same, O.A.No.539 of 2010 has been filed on the file of the Central Administrative Tribunal, Madras Bench. But the Central Administrative Tribunal, Madras Bench has erroneously dismissed the same by way of passing the impugned order and therefore, the impugned order passed by the Central Administrative Tribunal, Madras Bench is liable to be quashed and the letter dated 29-04-2010 given by the fourth respondent is liable to be set aside.

6. The learned Senior Panel counsel appearing for the respondent Nos.1 to 5 has also equally contended that as per recommendation of the Sixth Central Pay Commission, JAO and AAO have been merged into a Single cadre of AAO and thereafter amalgamation of Group 'B' Accounts Personnel of Department of Posts and Telecommunications with effect from 01-09-2009 has been done and on that basis, promotion has been given to the cadre of AAO on All India basis. Under such circumstances, the local officiating arrangement for filling up the post of JAO has been abolished and therefore, the relief sought in O.A.No.539 of 2010 cannot be granted and the Central Administrative Tribunal, Madras Bench has rightly dismissed O.A.No.539 of 2010 by way of passing the impugned order and the same is not liable to be quashed.

7. The petitioners have filed O.A.No.539 of 2010 only on the basis of the letter given by the fourth respondent on 29-04-2010 and the same reads as follows:

"I am directed to say that, the instructions for making local officiating arrangement to the cadre of Junior Accounts Officer issued vide letter No.3(3)/99/PA Admn I/245-288 dated 07 Jul 2006 and followed by all clarifications issued by this office vide letters dated 18.11.06, 15.06.07, 22.02.08 & 27.05.08 stands withdrawn with immediate effect on the following grounds:

i. the cadres of JAO and AAO were merged into single cadre of AAO vide Directorate letter No.38(2)/2009/PA Admn I/153-207 dated 25 Jun 2009

ii. Group 'B' Accounts personnel of DoP & DoT consisting of AAO, AO, & Senior AO of both the Departments of Ministry of Communications was amalgamated w.e.f. 01 Sep 2009 issued vide DoT Resolution NO.27-/1/2006 SEA II (Vol VI) dated 20 Aug 09

iii. Amalgamated Group 'B' cadres of IP & T AFS have been declared as an All India cadre carrying a liability to be transferred all over India issued vide OM No.27-7/2009 SEA II dated 13 Jan 2010

iv. The Roster in respect of the cadre of Assistant Accounts Officer will be maintained at Directorate level on all India Basis and vacancies will be worked out on All India basis.

A mere reading of the letter issued by the fourth respondent would go to show that the cadres of JAO and AAO have been merged into single cadre of AAO and subsequently, amalgamated Group 'B' cadre has been created and promotion would be given only on All India Basis.

8. The specific relief sought by the petitioner is to maintain local officiating arrangement for filling up the post of JAO with minimum three years of regular service as per vacancies earmarked for SC-ST candidates.

9. It is seen from the letter dated 29-04-2010 that the cadres of JAO and AAO have been merged into a single cadre of AAO, the amalgamated post is called Group 'B' cadre and everything has to be done on All India basis. Since the said posts have been merged into a single cadre of AAO, and for that

purpose, All India Seniority has to be followed, the relief sought in O.A.No.539 of 2010 cannot be granted. Further, it is seen from the records that after amalgamation various transfers/promotions have been given on the basis of communal rotation. Therefore, it is needless to say that the claim of the petitioners is totally unwarranted.

10. The Central Administrative Tribunal, Madras Bench after considering the present position has rightly dismissed O.A.No.539 of 2010 and in view of the discussion made earlier, this Court has not found any error nor illegality in the order passed by the Central Administrative Tribunal, Madras Bench and altogether, the present writ petition is liable to be dismissed.

In fine, the writ petition is dismissed without costs. The order in O.A.No.539 of 2010 dated 17-08-2011 by the Central Administrative Tribunal, Madras Bench is confirmed. Consequently, connected M.P.No.1 of 2012 is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

glp

1. The Secretary
Department of Posts
Dak Bhawan, Sansad Marg
New Delhi - 110 001
2. Member Finance
Department of Tele Communication
Sanchar Bhawan
New Delhi - 110 001
3. The Deputy Director General
Postal Accounts & Finance
Dak Bhawan
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4. The Assistant Director General
(Postal Accounts-Admn)
Ministry of Communications &
Information Technology
Department of Posts
Postal Accounts Wing
4th/Floor
Dak Bhawan, Sansad Marg
New Delhi 110 001

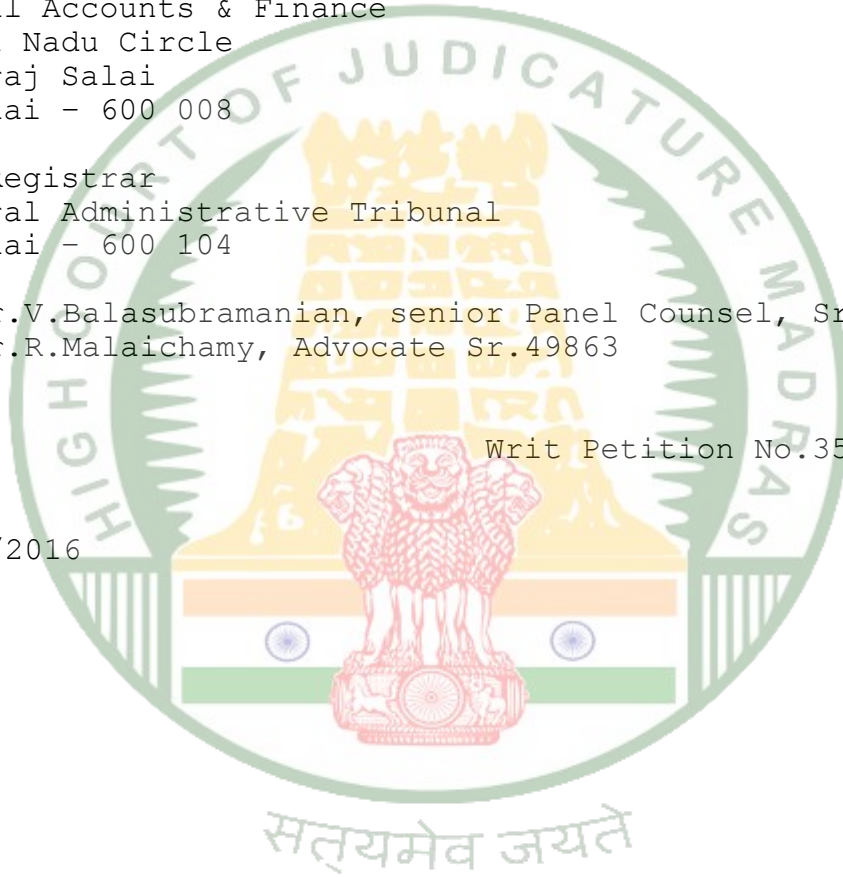
5. The General Manager
Postal Accounts & Finance
Tamil Nadu Circle
Ethiraj Salai
Chennai - 600 008

6. The Registrar
Central Administrative Tribunal
Chennai - 600 104

+1cc to Mr.V.Balasubramanian, senior Panel Counsel, Sr.49188
+1cc to Mr.R.Malaichamy, Advocate Sr.49863

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