

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 420 of 2003

Tuesday, this the 24th day of June, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. K. Haridas,
S/o Kunjan,
Group D (Provisional), Chavara PO
residing at Type I, P&T Quarters,
Chavara PO.Applicant

[By Advocate M/s MR Rajendran Nair & MR Hariraj]

Versus

1. The Senior Superintendent of Post Offices,
Kollam Division, Kollam.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Union of India represented by the
Secretary to Government of India,
Ministry of Communications,
New Delhi.Respondents

[By Advocate Mr. N.M. James, ACGSC]

The application having been heard on 24-6-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, an Extra Departmental Delivery Agent, senior and eligible to be appointed against a Group D post has been working provisionally as a Group D at Chavara with effect from 29-12-1999. His representations for regular appointment to Group D post with effect from 24-12-1999 have not been considered and disposed of by the 2nd respondent. The immediate grievance of the applicant is that he came across a communication dated 30-4-2003 (Annexure A5) addressed to the Postmaster, Chavara which reads as follows:-

"GDS officials are not eligible for provisional appointment against Group 'D'/Postman vacancy as they are not considered as departmental officials for the purpose. They can only be arranged to work against such vacancies on extra expenditure system. It is seen that Shri K.Haridas GDSMD Kollayil and Smt C.Vilasini, GDSSPM, Parimana Puthenchandha were granted EL for 106 days and 34 days respectively. You may forward your report as to why the excess paid amount should not be recovered from you in addition to taking further course of action."

2. Apprehending that the direction contained in Annexure A5 would cause adverse civil consequences on him and because his claim for regular appointment to Group D, despite the occurrence of vacancy, his seniority and eligibility, is not being considered for long, the applicant has filed this application for the following reliefs:-

- "i. To Quash Annexure A5.
- ii. To declare that the applicant is entitled to be considered for regular appointment as Group 'D' with effect from the 24.12.1999 and direct the respondents to consider the applicant for regular appointment as Group 'D' with effect from the 24.12.1999 with all consequential benefits.
- iii. Grant such other reliefs as may be prayed for and the Court may deem fit to grant, and
- iv) Grant the cost of this Original Application."

3. Shri N.M.James, ACGSC took notice on behalf of the respondents.

4. We have heard the learned counsel of the applicant as also the learned ACGSC on the question of admission of this application. Annexure A5 communication, which has been quoted above, is only a communication at different levels in the establishment where there is no direction to recover any amount from the applicant. As a matter of fact, the applicant is not aggrieved by Annexure A5 communication. An application under Section 19 of the Administrative Tribunals Act, 1985 can be maintained only by a person aggrieved. Hence, the application

does not merit admission on the prayer 8(i). Regarding the next prayer, i.e. for a declaration that the applicant is entitled to be considered for regular appointment as Group D with effect from 24-12-1999, the counsel agrees that the application may be disposed of directing the 2nd respondent to consider Annexure A6 representation of the applicant keeping in view the vacancy in Group D, the seniority and eligibility of the applicant and to give the applicant an appropriate reply within a reasonable time.

5. In the light of the above submissions by the learned counsel on either side, finding that the applicant has no locus standi to challenge Annexure A5, the Original Application is disposed of, as agreed to by the counsel on either side, directing the 2nd respondent to consider Annexure A6 representation of the applicant and to give him an appropriate reply within a period of four weeks from today. No order as to costs.

Tuesday, this the 24th day of June, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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