

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.421/97

Friday, this the 18th day of February, 2000

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M.N. Satheesan Pillai,
Mail Man,
Sub Record Office,
R.M.S (Railway Mail Service),
Trivandrum Division,
Kottarakkara P.O.

...Applicant

By Advocate Mr Thomas Mathew.

Vs.

1. Sub Record Officer,
Railway Mail Service,
Trivandrum Division,
Kottarakkara.
2. Senior Superintendent,
Railway Mail Service,
Trivandrum Division,
Trivandrum.
3. Union of India represented
by its Secretary,
Department of Posts,
New Delhi.

...Respondents


By Advocate Mr M.H.J. David J, Addl. CGSC.

The application having been heard on 18.2.2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to declare that the breaks imposed on his service as per A4, A6, A8 and A10 are illegal and to quash them, to declare that he is entitled to the benefits of continuous service with effect from 3.1.96 in the grade of Group D Mail Man, and also direct the respondents to grant him the benefits of continuous service with effect from 3.1.96 with all consequential benefits including regularisation.



2. After having heard both sides, learned counsel appearing for the respondents fairly submitted that the break of service as per A4, A6, A8 and A10 is not supported by law. That being so, the applicant is entitled to a declaration that the breaks imposed on his service are illegal and A4, A6, A8 and A10 are to be quashed.

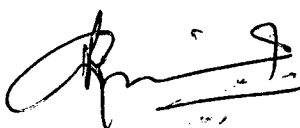
3. As far as the other prayer is concerned, since the applicant is entitled to a declaration that the breaks imposed on him are illegal, he is entitled to have the benefits of his continuous service with effect from 3.1.96. Learned counsel appearing for the applicant submitted that the benefits the applicant entitled to are annual increments and earned leave.

4. The applicant also prays for regularisation. There is no case for the applicant that anybody junior to him has been regularised. Learned counsel appearing for the respondents submitted that M.D. Varghese who is senior to the applicant is continuing on ad hoc basis. That being so, the applicant cannot claim regularisation.

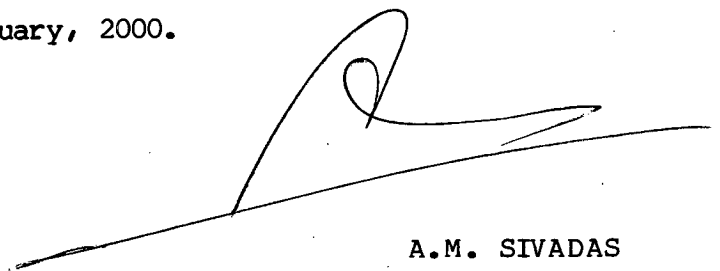
5. Accordingly, it is declared that the breaks imposed on the applicant's service are illegal. A4, A6, A8 and A10 are quashed. It is further declared that the applicant is entitled to the benefits of continuous service with effect from 3.1.96 in the grade of Group D Mail Man and the benefits available to him are annual increments and earned leave.

6. The Original Application is disposed of as above. No costs.

Dated the 18th of February, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES REFERRED TO ³ IN THE ORDER

A4, True copy of Memo No.PF/M.N.Satheessan Pillai/96-97 dated 3.1.97 of the 1st respondent.

A6, True copy of Memo No.PF/M.N.Satheesan Pillai/96-97 dated 7.1.97 of the 1st respondent.

A8, True copy of Memo No.PF/M.N.Satheesan Pillai/96-97 dated 15.1.97 of the 1st respondent.

A10, True copy of Memo No.PF/M.N. Satheesan Pillai/96-97 dated 18.1.97 of the 1st respondent.