

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 423/90
XXXXXX

199x

DATE OF DECISION 5-7-1990

PN Valsamma _____ Applicant (s)

M/s CV Antony &
SK Balathandran _____ Advocate for the Applicant (s)

Versus

The Senior Superintendent Respondent (s)
of Post Offices, Alwaye & another

Mr. TPM Ibrahimkhan _____ Advocate for the Respondent (s) 1
Mr MM Saidu Muhammed " 2

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman
&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ~
3. Whether their Lordships wish to see the fair copy of the Judgement? ~
4. To be circulated to all Benches of the Tribunal? ~

JUDGEMENT

(Shri AV Haridasan, Judicial Member)

In this application filed under Section 19 of the Administrative Tribunals Act, the applicant who has been selected and appointed as Extra Departmental Branch Post has Master, Peringala on a regular basis/complained that the first respondent has with a view to make it impossible for her to function as E.D.B.P.M. for which post she was selected in collusion with the second respondent, whose services in the post of E.D.B.P.M., Peringala were terminated, issued Annexure-A10 order directing the applicant to provide another suitable accommodation for housing the Branch Post Office.

It has also her complaint that inspite of the definite instructions from this Tribunal issued during the pendency of this application to the first respondent to takeover possession of the Postal articles physically from the second applicant respondent and to put the/incharge thereof, using Police protection if required, the first respondent is deliberately abstaining from doing it with a view to see that the applicant is not enabled to function as the E.D.B.P.M. In the statement filed on behalf of the respondents by the learned counsel, it has been made clear that the first respondent is prepared to allow the applicant to function as E.D.B.P.M., Peringala, provided a suitable accommodation is procured by her for the purpose. It has also been stated that the accommodation presently offered No.I/241 being located at a corner of the delivery jurisdiction of the Branch Post Office is highly inconvenient and that it would be necessary in the interest of public to direct the applicant to procure a premises more suitably located. Anyway, going through the pleadings in the case, we understand that the first respondent is prepared to abide by the order to handover the Postal articles and charge of the E.D.B.P.O, Peringala to the applicant on her procuring a proper building to run the Post Office. The only objection on the side of the first respondent is that the building presently offered is not very convenient. In view of the allegations made in the application and considering the necessity of xxxxxxxxxxxx resuming functioning of the Branch Post Office

without much delay, we are of the view that for the time being, the applicant should be allowed to run the Post Office in the building which is available in her possession i.e. building No. I/241 so that the local public ~~could not be~~ ^{are not} deprived of the services of the E.D.B.P.O since the old one has ceased to function. We make it clear that it will be open ~~for~~ ^{to} the Department to decide about the suitability of the building to run the Post Office. The Director of Postal Services, Central Region, Kochi may get the suitability of the building No. I/241 to run the E.D.B.P.O. verified by deputing a sufficiently senior officer other than the first respondent and if the Director of Postal Services is not satisfied about the location or the convenience available in the building, the applicant may be directed to procure a more suitable premises within a stipulated period.

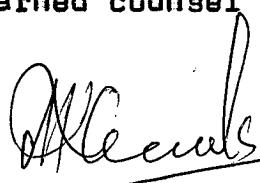
2. Therefore we dispose of the application with the direction to the first respondent to handover the Postal articles of the Post Office and charge of the B.P.O., Peringala to the applicant to be run in the building No. I/241 within five days from the date of communication of this order. The course adopted by us is only in the interest of public and in the interest of justice and it should not be understood as having accepted or upheld the allegations made against the first respondent. It will be open ~~for~~ ^{to} the Director of Postal

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Services, Central Region, Kochi as mentioned earlier, to get the suitability of the building verified by deputing a senior officer other than the first respondent and to give instruction to the applicant to change the premises, if felt necessary within a reasonable time to be specified by the Director.

There is no order as to costs.

3. A copy of this order may be delivered to the learned counsel for both the parties by hand.


(AV HARIDASAN)

JUDICIAL MEMBER

5-7-90


(SP MUKERJI)

VICE CHAIRMAN

5.9.90

5-7-1990

trs