

~~CENTRAL ADMINISTRATIVE TRIBUNAL~~  
ERNAKULAM BENCH

DATE: 12.10.93

O.A. 431/92

S. Padmavathy  
Korankuzhi Roadarikathu Puthan Veedu  
Kottakkakam P.O.  
Via Aryanadu

Applicant

vs.

1. The Supdt. of Post Office  
South Division, Thiruvananthapuram
2. The Chief Postmaster General, Kerala  
Circle, Thiruvananthapuram
3. Union of India represented by  
its Secretary in the Ministry of  
Communications, New Delhi
4. M. Arumugham, Supdt of Post Offices  
Trivandrum South Division,  
Thiruvananthapuram

Respondents

Mr. G. Sasidharan Chempazhanthiyil

Counsel for the  
applicant

Mr. C. Kochunni Nair, ACGSC

Counsel for the  
respondents

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THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

&

THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

The applicant filed this application under section 19 of the Administrative Tribunals' Act challenging the appointment of the fourth respondent as BPM, Muriakode post office. He also prays for a declaration that the termination of the service of the applicant as BPM, Muriakode is void.

2. The vacancy of BPM, Muriakode post office arose on account of the order passed on the regular incumbent putting him off the service pursuant to disciplinary action. After conducting regular selection, the fourth respondent was selected and appointed. That appointment

was challenged in this application alleging that the selection itself is illegal. The fourth respondent was already removed from the party array as per the order on M.P. 986/92.

3 The whole controversy came to an end on the basis of the submission at the bar that on account of the conclusion of the disciplinary enquiry initiated against the regular incumbent and finding him not guilty, he was allowed to rejoin duty as per Annexure R-2 order. Under these circumstances, the applicant's claim for reinstatement does not deserve consideration.

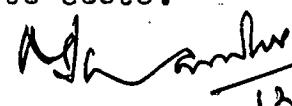
4 The learned counsel for the applicant submitted that because of the illegal selection of the fourth respondent, the applicant was prevented from getting experience. On the other hand, if the applicant was selected, she could have claimed additional advantage, which if legally recognised, will be beneficial for getting future appointments in the same Post Office.

5 Original fourth respondent is not a party. Moreover, the question raised by the applicant does not arise for consideration at present. It can be considered only when a vacancy of ED Agent arises in future in this Post Office. However, we make it clear that the applicant can raise all the contentions for claiming preference over the selected candidate at the appropriate time when a vacancy arises in the post office in future.

6 With these observations, we close the application.

7 There shall be no order as to costs.

  
R RANGARAJAN  
ADMINISTRATIVE MEMBER

  
N DHARMADAN  
JUDICIAL MEMBER

12-10-93