

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.45/2001.

Wednesday this the 27th day of February 2002.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

G.Sajeev, Part-time Casual Labourer,
Karingannoor P.O., Kollam. Applicant

(By Advocate Shri P.C.Sebastian)

Vs.

1. The Chief Postmaster General,
Kerala Circle, Trivandrum.
2. The Senior Superintendent of Post Offices,
Kollam Division, Kollam.
3. The Assistant Superintendent of
Post Offices, Kollam South
Sub Division, Kollam.
4. The Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi. Respondents

(By Advocate Shri A. Sathianathan, ACGSC)

The application having been heard on 27th February 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, Shri G.Sajeev was selected as Part-time Casual Labourer, Karingannoor P.O. While working in that capacity, he was served with A-2 show cause notice, issued by the 3rd respondent stating that the procedure adopted for his selection to the post of Part-time Contingent Labour, Karingannoor was irregular and hence his selection was liable to be cancelled. The applicant gave A-3 reply. However, his representation (A-3) dated 14.10.2000 was not responded to. But similarly placed Part-time casual labourers who were selected in the same manner as the applicant, were threatened with termination of service in like manner. In fact, by A-4 order

dated 4.1.2001 the services of one Shri VG Challengenath, a Part-time Casual Labour at Iravipuram, Quilon District, was terminated. The applicant who had a reasonable apprehension that his service would also be terminated in the same manner, has now come up with this application. After filing this application, by A-5 order dated 4.1.2001 (vide M.A.1111/01), the first respondent, as apprehended by the applicant, has terminated the service of the applicant.

2. The applicant seeks this Tribunal's intervention to get the impugned A-5 order quashed and seeks a direction to the respondents to allow the applicant to continue as Part-time Casual Labourer at Karingannoor. Though the respondents have filed a reply statement resisting the O.A. at the time of hearing, on being pointed out by the learned counsel for the applicant that similar matter has been dealt with by this Tribunal, to be more specific, the case of V.G.Challengenath referred to in A-4, and that this Tribunal has set aside identical orders impugned in that case, the learned Additional Central Government Standing Counsel has fairly accepted that the matter stands covered. My attention was invited to the orders of the Tribunal in O.A. No.23/01 dated 20.7.01 wherein the termination order challenged by Shri V.G.Challengenath, a Part-time Contingent employee, similarly placed like the applicant, has been quashed by this Tribunal. It is noticed that the order impugned in O.A.No.23/01 is nothing but A-4 in this case. Since A-5 order in M.A.1111/01 impugned in this O.A. is pari materia with A-4 in the O.A., I find that the applicant's case has to be accepted and A-5 order is also liable to be

quashed. In this connection, I also find that in O.A.46/01, a similar order of termination in the case of another person, Shri K.Shibu, Part-time Casual Labourer, Veliyam Post Office, Kollam has also been quashed.

3. The findings of this Tribunal in O.A.23/01 and O.A.46/01 have just to be followed in this case too since the facts are exactly identical. Accordingly, I quash the impugned A-5 order and direct the respondents to allow the applicant to continue as Part-time Casual Labourer at Karingannoor P.O. with all consequential benefits. The interim order is made absolute. No order as to costs.

Dated the 27th February, 2002.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of letter No.PTCE/SO/8/RLM(S) dt.15.5.2000 issued by the 3rd respondent.
2. A-2: True copy of the letter NoPTCE/Karingannur dt.6.10.2000 issued by 3rd respondent to applicant.
3. A-3: True copy of representation dt.14.10.2000 submitted by the applicant to the 3rd respondent.
4. A-4: True copy of Order No.Rec.N/11-20/98 dt.4.1.2001 issued by 1st respondent to Sri.V.G.Challengeneth PTCL at Eravipuram.
5. A-5: True copy of the order No.Rectt/11-20/98 dt.4.1.2001 issued by the 1st respondent.

Respondents' Annexures:

1. R-1: Photostat copy of the complaint No.Nil, dated 25.5.00, submitted by Anup.S. before A.K.Bhumik, Chief Postmaster General, Trivandrum.
2. R-2: Photostat copy of the order No.Rett/II-20/98 dt.3.1.01 issued by Mr.V.Rajendrarajan, Director of Postal Services(HQ), Department of Posts, India, Office of the Postmaster General, Trivandrum.
3. R-3: Photostat copy of the communication No.PTCE/Karingannur dt.8.1.01 issued by the R.Ravindran Pillai, Assistant Superintendent of Post Offices, Kollam.
4. R-4: Photostat copy of the Registered cover, showing the endorsement, made by the postal Department.
