

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 442/92
~~XXXXXX~~ Dy, No. 2626/92¹⁹⁹

DATE OF DECISION 16.3.1992

K.N.Damodaran Nair and
three others Applicant (s)

Mr.O.V.Radhakrishnan Advocate for the Applicant (s)

Versus

Chief Post Master General,
Kerala Circle, Trivandrum Respondent (s)
and others

Mr.P.Sankarankutty Nair, Advocate for the Respondent (s)
ACGSC

CORAM :

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Mr. S.P.Mukerji, Vice Chairman)

In this application dated 15.3.1992 the four applicants three of whom have been officiating as Superintendent of Post Offices and one working as Assistant Superintendent of Post Offices under the Chief Post Master General, Kerala Circle have prayed that their regular promotion as Superintendent of Post Offices (Group 'B') and allotment to Maharashtra Circle vide the impugned order dated 20.1.92 at Exbt.A.I be set aside and the second respondent ie., Director General (Posts) directed to ~~be~~ ^{re} allot ^{re} them to the Kerala Circle on promotion. Their contention is that there are already sufficient number of regular vacancies in Kerala Circle, ^{at} ~~at~~ least three of which are being held by the first three applicants since 3.5.91, 27.6.91 and 23.12.91. Three more vacancies

Received
at 11.25 AM
today
12/19/92

have arisen in Kerala Circle. They have argued that it will be unreasonable and arbitrary if on their regular promotion they are transferred out/^{of}the circle and the vacancies of Superintendent of Post Offices in Kerala Circle are allowed to be filled up by unapproved candidates. This will also be in violation of the Circular of the Ministry of Communications dated 20.2.92 at Exbt.A.4. The learned counsel stated that the four applicants immediately after the impugned order at Exbt.A.1 was passed represented to the second respondent (Chief Post Master General, Kerala Circle) on 22.1.1992. The copies of the two representations by the first and second applicants are at Exbt.A.2 and Exbt.A.3. Similar representations were filed by the third and fourth applicants. According to the learned counsel for the applicants these representations were all forwarded to the Director General (Posts), New Delhi with affirmative recommendations that the applicants be accommodated on promotion within Kerala Circle in view of the existing vacancies. These representations are still pending with the second respondent. In the meantime the Chief Postmaster General, Maharashtra Circle has issued the posting order at Exbt.A.5.

2. We have heard the learned counsel for both the parties and gone through the documents carefully. We see considerable merit in the application and admit the same. We, however, refrain from intervening at this stage as we feel that the merits of the case as such ~~as~~ can ^{as well} easily be appreciated by the second respondent keeping in view/^{the fact} that the vacancies are available in the Kerala Circle, that it will be more economical to retain the applicants in Kerala Circle and also that ~~at~~ least the first three applicants have less than three years to retire. We, therefore dispose of this application

with a direction to Respondent No.2 (Director General, Posts, New Delhi) to dispose of the representations of the applicants as has been stated to have been forwarded with the recommendations of the Chief Post Master General, Kerala Circle, within a period of one month from the date of communication of this judgment keeping in view the observations made above. The applicants shall be allowed to remain at their existing posts and stations till the communication of the orders of the second respondent on their representations and 15 days thereafter. There will be no order as to costs.

3. A copy of this judgment may be given to the learned counsel for both parties on priority basis.



(A.V. HARIDASAN)
JUDICIAL MEMBER



(S.P. MUKERJI)
VICE CHAIRMAN

16.03.92.

ks17392.