

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 446 of 1997.

Friday this the 31st day of July 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

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

Divakaran K,
Kamprath House,
Mannathadam, Thimiri (P.O.),
Presently working as E.D.B.P.M.,
Kasaragod District.

.. Applicant.

(By Advocate Shri M. Sasindran)

Vs.

1. The Superintendent of Post Office,
Kasaragod.

2. The Sub Divisional Officer of
Post Offices,
Nileshwaram Sub Division,
Kasaragod District.

3. Union of India, represented by its
Secretary, Department of Posts,
New Delhi.

4. P.V. Sureshan, E.D.B.P.M. (Extra
Departmental Branch Post Master),
Thimiri - Cheruvathoor (P.O.),
Kasaragod District.

.. Respondents.

(By Advocate Shri Govindh K. Bharathan, SCGSC) (R,1-3)

The application having been heard on 31st July 1998,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who was working as Extra Departmental
Branch Postmaster, Thimiri Post Office submits that he is
fully eligible to hold that post. He had applied for the post
by transfer (Annexure A-1) when he was working as Extra
Departmental Delivery Agent in the same Post Office. He
submits that he was temporarily appointed as Extra
Departmental Branch Post Master but the order appointing

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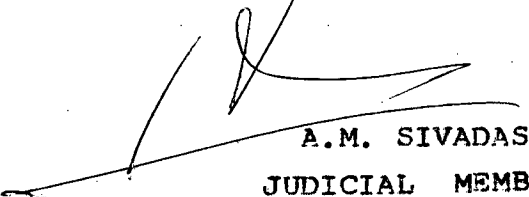
him temporarily has not been produced. While so, the respondents conducted a selection from among the other Extra Departmental Delivery Agents who had also submitted their application for the post of Extra Departmental Branch Postmaster, Thimiri Post Office. Among the applicants, the applicant in this original application submits that he is the seniormost and that transfer postings are granted on the basis of seniority in view of the orders issued by the Director General. However, the 4th respondent was selected and appointed by the respondents to the post of Extra Departmental Branch Postmaster, Thimiri Post Office by Annexure A-6 order dated 27.3.1997. Applicant challenges this order and prays that the first respondent be directed to select the applicant for that vacancy and for setting aside A-6 order.

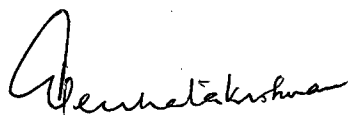
2. It is submitted by the learned counsel for applicant at the time of hearing that the 4th respondent has since resigned the position. Though the 4th respondent has been given notice, none has appeared on his behalf nor has he filed any reply. Since the 4th respondent is no more in the post of Extra Departmental Branch Post Master, Thimiri P.O., the A-6 orders are no more in force and the application has become infructuous.

3. Learned counsel appearing for applicant submits that there is now a vacancy of Extra Departmental Branch Postmaster at Thimiri Post Office and that the applicant may be permitted to submit a fresh application for being considered for that post. He may do so within two weeks. If he does so, the respondents will consider the applicant in accordance with the rules.

4. Application is disposed of accordingly. No costs.

Dated the 31st July 1998.


A.M. SIVADAS
JUDICIAL MEMBER


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A1 : A true copy of the application submitted by the applicant before the first respondent dated 12.12.1996.
2. Annexure A6 : Proceedings No.BPM/31 dated 27.3.1997 of the sub Divisional Officer of Post Offices, Nileshtar.

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