

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 453/03

Wednesday this the 4th day of June 2003

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. S.Vasudevan Pillai
S/o Sankaran Pillai,
Group D (Provisional),
Kundara P.O., Kollam.
2. C.Vilasini
D/o Thankappan,
Group D (Provisional),
Ochira P.O., Kollam.
3. Jagadamma J
D/o Janardhanan,
Group D (Provisional),
Kundara P.O., Kollam.

Applicants

(By advocate Mr.M.R.Rajendran Nair)

vs

1. The Senior Superintendent of Post Offices
Kollam Division, Kollam.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Union of India, represented by the Secretary to
Government of India, Ministry of Communications,
New Delhi.

Respondents

(By advocate Mr.C.Rajendram, SCGSC)

The application having been heard on 4th June 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

1. The applicants who were Extra Departmental Agents allowed to work as Group 'D' by A-1, A-2 and A-3 have filed his application challenging the legality, propriety and correctness of a communication No.BB/44/03 dated 30.4.03 issued by the Senior Superintendent of Post Offices, Kollam to the SPM, Chavara which reads thus:

"Sub - Arrangement of GDS against Group 'D' Postman vacancy.

GDS officials are not eligible for provisional appointment against Group 'D'/Postman vacancy as they are not considered as departmental officials for the purpose. They can only be arranged to work against such vacancies on extra expenditure system. It is seen that Shri. K.Haridas GDSMD Kollayil and Smt.C.Vilasini, GDSSPM, Parimana Puthenchandha were granted EL for 106 days and 34 days respectively. You may forward your report as to why the excess paid amount should not be recovered from you in addition to taking further course of action.

Sd/-

Kollam Dn. KOLLAM 691 001

2. They also seeks a declaration that they are entitled to be considered for regular appointment as Group 'D' with effect from the date of their provisional appointment and a direction to the respondents to consider the applicants for regular appointment as Group 'D' with effect from the date of their provisional appointment.

3. We have gone through the application and Annexures appended thereto and have also heard counsel for the applicants. It is seen that none of the applicants is affected or aggrieved by A-4 order because no adverse consequence will be caused to them if A-4 is implemented. A-4 only states that the ED agents engaged to work on Group D posts not being departmental people

cannot be appointed on a provisional basis and therefore not entitled to EL and the amount of leave salary paid to such people would be recovered by the SPM, Chavara and requesting him to forward his report in that regard. This is only a show cause notice with which the SPM, Chavara is concerned and the applicants are in no way concerned. Hence the applicants have no locus standi to challenge the A-4 order

4. Regarding the claim for regularisation in the post of Group 'D' from the date of initial appointment of the applicants on a provisional basis, there is no rule or instruction brought to our notice which require such a dispensation. The applicants not being provisionally appointed but were only provisionally arranged, the application does not disclose any valid cause of action for its admission and further deliberation.

5. Hence the application is rejected Under Section 19(3) of the Administrative Tribunals Act 1985.

Dated the 4th day of June, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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