

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
F. A. No.

457

199 2

DATE OF DECISION 6.11.92

E.K. Thomas Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Supdt. of Post Offices,
Mavelikkara and ~~xxx~~ another Respondent (s)

Mr. Ajith Narayanan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, 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

Mr. N. Dharmadan, Judicial Member

Applicant while working as EDSPM, Thamallakkal Post Office filed this application challenging the proposal for termination of his service. According to the applicant, he was selected for appointment as EDDA, Nangiarkulangara Post Office and duly appointed w.e.f. 10.11.87. Thereafter, when the post was abolished, he was transferred as EDDA, Mannarsala. Later on the basis of the representations filed by the applicant, as per Annexure-VI order he was posted as EDSPM, Thamallakkal w.e.f. 4.11.91. Since he apprehended termination of his service, he has filed this application with the following reliefs:

"i) to declare that the proposed termination/removal of the applicant from his present assignment as EDSPM, Thamallakkal is illegal;

ii) to direct the respondents to allow the applicant to continue in the post of EDSPM, Thamallakkal or alternatively to accommodate him in another post without loss of emoluments

iii) grant such other reliefs as may be prayed for and the Tribunal may be deem fit to grant

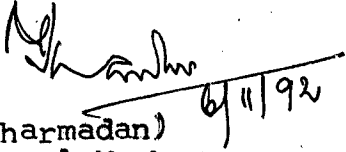
iv) Grant the cost of this O.A."

2. At the time when the case was taken up for final hearing, learned counsel for the applicant submitted that though the applicant's appointment as EDSPM, Thamalakal was terminated, on account of the orders of this Tribunal in a connected case, the applicant has ⁴now been appointed recently as EDSPM, Thamallakkal. Hence, the main grievance of the applicant does not survive at this stage. However, learned counsel for applicant submitted that for a short ²out of service on account of period, the applicant was/termination from the post of EDSPM for no fault of him and for that period, the applicant is entitled to wages payable to him. Learned counsel submitted that the applicant will file separate application for wages before the appropriate authority and prayed that this application may be closed reserving the right of the applicant to agitate the grievance in this regard separately.

3. Accordingly, we accept the prayer and close the application reserving the right of the applicant to agitate the grievance ²due to denial of payment of wages when he was terminated from service for no fault of the applicant.

4. The application is accordingly closed as above.

5. There will be no order as to costs.


(N. Dharmadan)
Judicial Member


(P.S. Habeeb Mohamed)
Administrative Member

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