

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 481 of 2004

Monday, this the 2nd day of August, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. C. Jnanagopalan,
Group D Chowkidar,
Vaikom Head Post Office,
Vaikom, Kottayam.Applicant

[By Advocate Shri P.R. Padmanabhan Nair]

Versus

1. Inspector of Post Offices,
Vaikom Sub Division,
Vaikom - 686 141
2. The Postmaster,
Vaikom Head Post Office,
Vaikom.
3. The Senior Superintendent of Post Offices,
Kottayam Division,
Kottayam - 686 001
4. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.Respondents

[By Advocate Shri C.B. Sreekumar, ACGSC]

The application having been heard on 2-8-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

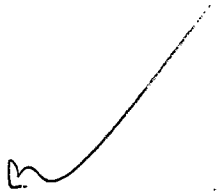
The applicant, who has been working as GDS SPM, Thottakom, was asked to take charge of the Group D Chowkidar post with effect from 1-5-2004 and he did take over charge as is seen from Annexure A4. His grievance is that the respondents have issued Annexure A1 notification calling for applications from willing GDSs including the applicant for being considered for officiating arrangement in the vacant posts of Group D at Vaikom HPO on temporary basis until regular

postings are ordered. It is alleged in the application that the attempt of the respondents is to replace the applicant, who is working on a temporary basis, by another temporary hand. Therefore, the applicant has filed this application for a direction to respondents 2 and 3 not to appoint any other temporary hand in Group D Chowkidar post at Vaikom HPO and allow him to continue in the post until a regular hand is appointed. It is also alleged in the application that replacement of a temporary/adhoc appointee by another temporary/adhoc appointee is not justified. The applicant relies on the ruling of the Apex Court in State of Haryana & Others vs. Piara Singh & Others, AIR 1992 SC 2130.

2. Respondents in their reply statement contend that the applicant was not appointed as Chowkidar on an adhoc or temporary basis, but was only put in charge as a stop gap arrangement and now they have decided to make officiating arrangement by considering the GDSs on the basis of their seniority, which cannot be faulted.

3. We have gone through the pleadings and materials placed on record and have heard Shri P.R.Padmanabhan Nair, learned counsel of the applicant and Shri C.B.Sreekumar, learned counsel of the respondents.

4. The applicant has not been able to place on record any order by which he was appointed as Group D Chowkidar. Annexure A4 only shows that he was put in charge. There is no reason to disbelieve the contention of the respondents that the arrangement by which the applicant was asked to take charge as Group D Chowkidar was a stop gap one. In the present notification Annexure A1, it has been made clear that willing GDSs would be considered for officiating arrangement on the



basis of their seniority. We do not find any infirmity with the above action which is well in accordance with the principles of equality enshrined under Articles 14 and 16 of the Constitution of India.

5. In the result, the Original Application fails and the same is dismissed leaving the parties to bear their respective costs.

Monday, this the 2nd day of August, 2004



H.P. DAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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