

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 483 of 2004

Tuesday, this the 29th day of June, 2004

CORAM

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

1. P.R. Ayyappan,
S/o Raman Nair,
Delivery Mail Peon, Chandakunnu EDSO,
Residing at Poopzhinthil House,
Bindu Nivas, Kurumbalamgode,
Chungathara PO, Manjeri - 679 334 Applicant

[By Advocate Mr. P.C. Sebastian]

Versus

1. The Postmaster General,
Northern Region, Calicut - 673 011
2. The Superintendent of Post Offices,
Manjeri Division, Manjeri - 676 121
3. The Asst. Supdt. of Post Offices,
Manjeri Sub Division, Manjeri - 676 121
4. Union of India, represented by its
Secretary, Ministry of Communications,
Department of Posts, New Delhi. Respondents

[By Advocate Mr. S.K. Balachandran, ACGSC]

The application having been heard on 29-6-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant working as Delivery Mail Peon (DMP for short), a Group D post attached to the Chandakunnu EDSO, is aggrieved that an order (Annexure A3) dated 23-3-2004 has been issued by the 2nd respondent abolishing the post of DMP, Chandakunnu with immediate effect in terms of the orders contained in the Regional Office's letter dated 17-3-2004. It is alleged in the application that the applicant is suffering from Vertigo, that if he is displaced from the post, he would

be put to great hardship, that he has been advised to avoid work involving journeys and head movements and that therefore the impugned order be set aside so that the applicant can continue to work in the post. With these allegations, the applicant has filed this application for the following reliefs:-

- "i) to call for the records leading to the issue of Annexure A3 and R.O.Letter No. Est-3/4094/1 dated 17.03.04 mentioned therein and quash the same in so far as it does not provide for alternate suitable post for the applicant;
- ii) to direct the 1st respondent to consider applicant's representation (Annexure A4) and pass a speaking order in the light of applicant's permanent disability;
- iii) to direct the 3rd respondent not to transfer applicant to Manjeri college before a decision is taken on his representation by the 1st respondent;
- iv) to grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case;
- v) to award costs."

2. When the application came up for hearing, Shri S.K.Balachandran, learned counsel of the respondents took notice and some time to get instructions. Now counsel of the respondents states that he has got instructions in the matter that the post of DMP in Chandakunnu EDSO has been abolished on the basis of a policy decision taken to abolish all such posts in the EDSOs and that the applicant would be accommodated in a convenient post in Manjeri PO and efforts would be taken to give him a posting which would not involve ~~in~~ any act injurious to his health as advised by his doctor.

3. We have heard the learned counsel on either side. We find that the abolition of the post of DMP, Chandakunnu EDSO cannot be faulted because there was a policy decision to

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abolish all such posts. The applicant is not being put to any hardship because the respondents undertook to accommodate the applicant in a post commensurate with his status as also his health status. We, therefore, find no reason to exercise our jurisdiction in the matter. Hence, we reject the Original Application under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Tuesday, this the 29th day of June, 2004

H. P. Das

H.P. DAS
ADMINISTRATIVE MEMBER

A.V. HARIDASAN
VICE CHAIRMAN

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