

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.493/99

Wednesday this the 28th day of April, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

P. Unniraman S/o Kesavan
Pannikkottil House,
Karakurissi PO now working as
leave reserve Postman at Mannarkad Sub
Division, Mannarkad. ...Applicant

(By Advocate Mr. Johnson Manayani)

Vs.

1. The Superintendent of Post Offices,
Ottapalam Division, Ottapalam PO.
2. Sub Divisional Inspector,
Mannarkad Sub Division,
Mannarkad PO.
3. Postmaster General,
Northern Region, Calicut. ...Respondents

(By Advocate Mr. Prasanth Kumar)

The application having been heard on 28.4.99, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant filed O.A.1454 of 1997 for a declaration that he was entitled to be promoted to the post of Postman under the second respondent and for a direction to the respondents to promote him as a Postman. The respondents' contention that the applicant did not possess the educational qualification prescribed for promotion in a letter dated 17.5.95 and therefore, he cannot be promoted was rejected by the Tribunal and by Judgment dated 20.3.98 (A1) the respondents were directed to consider the applicant for promotion to the

post of Postman forthwith in accordance with the existing Recruitment Rules untrammelled by the instructions mentioned above and to promote him if he was not otherwise unsuitable. In compliance to the above directions contained in the Judgment of the Tribunal the respondents by A2 order dated 23.6.98 promoted the applicant as a Postman. Thereafter on 29.7.98 the applicant made a representation to the 1st and 3rd respondents for the following reliefs:

- i. Issue appropriate directions giving promotion to the petitioner with effect from 1.2.1997 and directing to give him all salary, allowances and emoluments with effect from 1.2.1997 as a postman.
- ii. issue directions to give seniority and promotion to the petitioner at least with effect from 1.2.1997.
- iii. Issue such other orders as are deemed fit and proper in the circumstances of the case.

Finding no response the applicant has filed this application for a direction to the respondents to give promotion to the applicant with effect from 1.2.97 in the post of Postman and to give him all salary, allowances, emoluments etc. with effect from 1.2.97 and also to confer on him seniority with effect from that date.

2. On a perusal of the application and the annexures appended thereto and on hearing the learned counsel for the applicant as also the Additional Central Government Standing Counsel appearing for the respondents, we do not find any legitimate grievance of the applicant which requires redressal for admission of this application and further deliberation. If the applicant had a legitimate claim for promotion as Postman with effect from 1.2.97 the date on which he

claims to have been holding the post on adhoc basis in the Original Application 1454 of 1997 the applicant should have claimed that relief also. The prayer in the Original Application 1454/97 was only for a declaration that the applicant was entitled to be promoted to the post of Postman under the second respondent and for a direction to respondents to promote him. No prayer for promotion with effect from an anterior date was made. The Tribunal gave a direction to consider the applicant for promotion and to promote him if he was otherwise not unsuitable forthwith. Under these circumstances we are of the considered view that the applicant is estopped from claiming appointment as Postman with effect from 1.2.97 as is prayed for in this application. The application therefore, is dismissed in limine. No order as to costs.

Dated the 28th day of April, 1999

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the Order:

Annexure.A1: True copy of the judgment in O.A.1454 of 1997 dated 20.3.1998.

Annexure.A2: True copy of the order dated 23.6.1998 of the Ist respondent.

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