

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.495/02

Thursday this the 29th day of July 2004

C O R A M :

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

S.Santhakumari,  
D/o.Sivadasan,  
Postman, Thycaud Head Post Office,  
Trivandrum - 14. Applicant

(By Advocate Mr.Thomas Mathew)

**Versus**

1. Superintendent of Post Offices,  
South Postal Division, Trivandrum-14.
2. Chief Postmaster General,  
Kerala Circle, Trivandrum.
3. Postmaster General,  
Central Region, Kochi.
4. Union of India represented by  
its Secretary, Department of Posts,  
New Delhi.
5. V.N.Sasi, Postman,  
Changancherry Division,  
(candidate for promotion to the  
cadre of Postal Assistant).
6. Superintendent of Post Offices,  
Changanacherry. Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

This application having been heard on 29th July 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 entered service as a Postman in the year 1996 appeared in the promotion examination for Lower Grade Officials in the cadre of Postal Assistant on 22.4.2001. She was selected and was allotted to Kottayam. Finding that she was not sent for training while others including those who passed in the

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subsequent examination were also sent for training the applicant submitted a representation Annexure A-3 requesting that she be sent for training. Finding no response the applicant filed this application challenging the induction of the 5th respondent for training and for a direction to the respondents to send the applicant also for training. By an interim order dated 16.7.2002 the respondents were directed to depute the applicant also for training provisionally and subject to the outcome of the application. Since the applicant had completed training and remained not posted the applicant filed M.A.1001/02 which was after hearing the learned counsel on either side disposed of by order dated 22.11.2002 directing the respondents to appoint the applicant as Postal Assistant provisionally and subject to the outcome of the application. The applicant is stated to have been appointed and is now working as Postal Assistant.

2. The respondents have filed a reply statement. They contend that the applicant who did not qualify in the examination held on 22.4.2001 was after further relaxation of qualifying standards declared passed by order dated 12.12.2001 but was not deputed for training because in a later examination held on 18.11.2001 in which the applicant participated it was reported that she had copied answers and was guilty of malpractices. It is contended that for the malpractices committed by the applicant in the said examination a disciplinary proceedings is under contemplation and the applicant is not entitled to the reliefs sought.

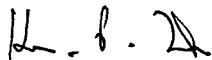
3. We have heard the learned counsel on either side. Learned counsel on both side agree that the applicant had since been

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appointed as Postal Assistant and is continuing. The learned counsel of the applicant stated that a disciplinary proceedings against the applicant has been commenced by serving a chargesheets on the applicant. It is agreed by the learned counsel on either side that the application can now be disposed of directing the respondents to allow the applicant to continue as Postal Assitant without prejudice to the right of the respondents to take the disciplinary proceedings to its logical conclusion.

4. In the light of what is stated above the application is disposed of directing the respondents to allow the applicant to continue as Postal Assistant with liberty to the respondents to take the disciplinary proceedings already initiated against the applicant to its logical conclusion. No order as to costs.

(Dated the 29th day of July 2004)



H.P.DAS  
ADMINISTRATIVE MEMBER

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A.V.HARIDASAN  
VICE CHAIRMAN