

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.509/2004

Wednesday, this the 16th day of February, 2005.

CORAM;

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

V.C.Annamma,
Ex. Gramin Dak Sevak Stamp Vendor,
Mundakayam S.O.
Residing at: Kallimaliakal House,
Mundakayam P.O.

- Applicant

By Advocate Mr PC Sebastian

Vs

1. The Superintendent of Post Offices,
Changanassery Division,
Changanassery.

2. The Sub Divisional
Inspector of Post Offices,
Mundakayam Sub Division,
Mundakayam.

3. Union of India,
represented by its Secretary,
Ministry of Communications,
Department of Posts,
New Delhi.

- Respondents

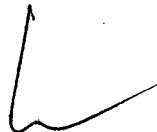
By Advocate Mr TPM Ibrahimkhan, SCGSC

The application having been heard on 16.2.2004, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant claims that she has entered service as
Gramin Dak Sevak Stamp Vendor, Mundakayam Sub Post Office with
effect from 7.5.77. As per A-1, dated 8.6.2004 the



applicant's post was abolished and she was directed to assume charge of the newly created post of Gramin Dak Sevak Mail Deliverer. It is averred in the application that she is aged 58 years and unable to perform duties of Gramin Dak Sevak Mail Deliverer due to various illness and requested for alternate appointment. She had made a representation stating that there is a post vacant of Gramin Dak Sevak Sub Postmater, in the same station for which she is qualified. Since her representation was not considered, she has filed this application for the following relief:

- i) To call for the files leading to the issue of A-1 and quash the same to the extent it directs applicant assume the charge of GDSMD, Chittady.
- ii) To declare that applicant is entitled to be considered for appointment in the existing vacancy of GDSSPM, Chittady in preference to other existing Gramin Dak Sevaks seeking a transfer to the said vacancy and to tally outsiders.
- iii) To direct the first respondent to consider applicant's claim alternate appointment as GDSSPM, Chittady in preferential to existing Gramin Dak Sevaks seeking transfer to the said post and outsiders and to give her appointment if she is not otherwise ineligible.

2. The respondents have filed a reply statement contending that the applicant was given appointment in the

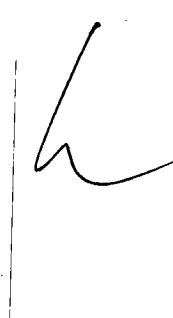


post of GDSMD, Chittady which is near her former place of work. At that time and even now a stay order in O.A.71/2004 filed by M.T.Nirmala is in force against the selection to the post of GDSSPM, Chittady. The claim of the applicant that she is a retrenched GDS is admitted and she has preference over other GDS for transfer and as such her claim merits serious consideration. However, due to existence of stay order as mentioned above, the respondents are unable to finalise the selection to the post of GDSSPM, Chittady.

3. Shri P.C.Sebastian appeared for the applicant and Shri TPM Ibrahimkhan, SCGSC appeared for respondents.

4. When the matter came up for hearing, learned counsel for the applicant submitted that O.A.71/2004 wherein a stay has been granted, has already been dismissed. He submitted that since there is a change of circumstance, applicant's case can be considered. Learned counsel for the respondents submitted that he has no objection in directing the applicant to make a comprehensive representation to the 1st respondent to consider her case in the light of the dismissal of O.A.71/2004.

5. In the result, the application is disposed of directing the applicant to make a comprehensive representation to the 1st respondent within 10 days from the date of receipt of copy of this order and we direct the first respondent to consider the same on merit and pass appropriate order within a

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period of two months thereafter. In the circumstances, the O.A. is disposed of and there will be no order as to costs.

Dated, the 16th February, 2005.

K. V. S. A.

H.P.DAS
ADMINISTRATIVE MEMBER

K.V. SACHIDANANDAN
JUDICIAL MEMBER

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