

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 522 of 1990
~~XXXXXX~~

DATE OF DECISION 5-12-1990

C.G. KAUMUDI Applicant (s)

P.S. Biju Advocate for the Applicant (s)

Versus

UNION OF INDIA rep. by Respondent (s)

CHIEF POST MASTER GENERAL,
KERALA CIRCLE, TRIVANDRUM and another

TPM Ibrahim Khan ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

N. Dharmadan, Judicial Member

The applicant is presently working under the second respondent in the group 'D' category. According to the applicant, she appeared for the examination for getting promotion and posting as Postal Assistant in Ernakulam. The applicant's counsel submits that she is entitled to be absorbed in the Ernakulam Division in any of the vacancies that may arise till the end of December 1990. She was successful in the examination, and there are existing vacancies in the Ernakulam Division. But the respondents, according to the applicant, treated the applicant only

as a surplus and allocated for posting at Ottapalam.

It is under these circumstances that the applicant has filed this application with the following reliefs:

- 1) to direct the respondents to depute the applicant for training at Postal training college, Mysore for induction training for Postal Assistants to be held from 2.7.1990.
- 2) to declare that the applicant is entitled to be appointed as Postal Assistant in Ernakulam Division for the vacancies of 1990.

2. Today, when the case came up for hearing, it is submitted that the applicant has already been sent for training as per orders of this Tribunal and she has completed the training successfully. In view of the fact that the applicant has already passed the examination, she has a right to be deputed for training. Since she has already completed the training successfully we need not finally decide this question. In the light of these facts, relief No.1 in the application became infructuous. The other relief as to the applicant's right to be appointed in any one of the vacancies at Ernakulam Division as Postal Assistant requires to be decided. Applicants stated that we had considered similar issues in OA 642/90. If that is so that will be binding on respondents and that, therefore, no fresh consideration and decision on this question is necessary by the respondents.


3. According to the applicant there are existing vacancies in Ernakulam Division to which the

the applicant can be posted as she was found successful in the examination conducted in pursuance of Annexure-I. The applicant is eligible to be absorbed in one of the vacancies which arises before the end of December 1990. The applicant relied on the judgment of the Tribunal in OA 642/90.

4. The learned counsel for the respondent submitted that because of the subsequent examination conducted by the respondents for selection of Postal Assistants, there is no existing vacancy; but this is a matter to be considered by the respondents in the light of the judgments rendered by us in OA 642/90. Accordingly, in the interest of justice we feel that this application can be disposed of with a direction to the applicant to submit ^{a b} detailed representation with a copy of the judgment in OA 642/90 to the second respondent within a period of 15 days from today and if such a representation is submitted by the applicant, the respondent-2 should dispose of the same in the light of the observations made in OA 642/90 and in accordance with law, within a period of one month from the date of receipt of that representation.

5. The application is disposed of as above. We make no order as to costs.


(N. DHARMADAN) 5.12.90
Judicial Member


(N.V. KRISHNAN)
Administrative Member