

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.528/2004.

Monday this the 18th day of October 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

N. Sreekantan,
Part Time Scavenger-cum-Gardner,
General Post Office, Trivandrum. Applicant

(By Advocate Shri.Thomas Mathew)

vs.

1. Senior Postmaster,
General Post Office, Trivandrum.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General,
Department of Posts, New Delhi.
4. Union of India represented by its Secretary,
Department of Posts,
New Delhi. Respondents

(By Advocate Shri. M.Rajeev, ACGSC)

The application having been heard on 18.10.2004, the Tribunal on the same day delivered the following:

ORDER (Oral)

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who, presently working as Part Time Scavenger-cum-Gardener in the General Post Office, Trivandrum submits that he has been working intermittently in the leave vacancies of Group 'D' in Postal Canteen and he has been working on the same post with effect from 21.6.1998. He apprehends that the respondents are going to terminate his services by making provisional appointment to the post which the applicant was holding for the last six years. Aggrieved by the same the applicant has filed this O.A. seeking the following main reliefs.:

- i) declare that the applicant is entitled to continue as Part-time Scavenger-cum-Gardener till a regular appointment is made to the post and direct the respondents accordingly;
- ii) to grant such other reliefs/directions which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. When the matter was taken up, Shri Thomas Mathew, learned counsel appeared for the applicant and Shri M.Rajeev, ACGSC appeared for the respondents. Learned counsel for the applicant submitted that he has filed a M.A.764/04 to make some corrections in the first prayer in the O.A. by adding the words "and to consider for regular appointment with due preference".

3. Learned counsel for respondents submits that he has already filed a reply statement to the O.A. in which in para 9 it is made clear that "there is no such move on the part of the respondents for the appointment or engagement of any other person to the part time post of Scavenger-cum-Gardener."

3. In the light of the above submission, we are of the view that the relief sought for by the applicant has already been met with and there is no need for further adjudication. With regard to the prayer for regular appointment, counsel for the applicant submitted that the applicant has made a representation (A4) dated 9.7.2004 to the 1st respondent and he would be satisfied if a direction is given to the 1st respondent to consider and dispose of the same within a time frame.



4. Learned counsel for respondents submitted that he has no objection in adopting such a course of action.
5. Under these circumstances, the M.A.764/04 has become infructuous and the same is closed.
6. In the interests of justice, we direct the Ist respondent to consider and dispose^v A-4 representation within a period of three months from the date of receipt of a copy of this order.
7. O.A. is disposed of as above. In the circumstance no order as to costs.

Dated the 18th October, 2004.

H.P.DAS
ADMINISTRATIVE MEMBER

rv

K.V.SACHIDANANDAN
JUDICIAL MEMBER

