

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 530/2009

Thursday this the 6<sup>th</sup> day of August, 2009.

C O R A M

HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER  
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

Suresh Kumar  
GDS MD, Kattaikionam  
residing at M.D. Nilayam  
Kattaikonam, Thiruvananthapuram. ....Applicant

By Advocate Mr. Vishnu S. Chempazhyanthiyil

Vs.

1 The Assistant Superintendent of Post Offices  
Thiruvananthapuram North Sub Division  
Thiruvananthapuram-695 036

2 The Senior Superintendent of Post Offices  
Thiruvananthapuram North Postal Division  
Thiruvananthapuram.

3 Union of India represented by the  
Chief Postmaster General  
Kerala Circle,  
Thiruvananthapuram. .... Respondents.

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The Application having been heard on 6.8.2009 the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a provisionally appointed GDSMD seeks benefit of DGPT circular dated 18.5.1979 (A-3).

2. The applicant was engaged as GDSMD, Kattaikonam w.e.f. 12.1.2004 onwards, in a vacancy that arose when the regular incumbent was appointed as Postman (A-1). While so, one Prem Sankar who was working as GDS Stamp Vendor on abolition of the post, was posted as GDSMD Kattaikonam. The respondents have notified the post of GDSMD, Kattaikonam for regular appointment (A-2). The applicant has put forth his claim for appointment to the post on the ground that he has completed three years of service and hence eligible for the benefit under DG P&T letter dated 18.5.79 for alternative employment. The applicant also relied on the order of this Tribunal in O.A. 429/2005 and the judgment of the High Court in W.P.(C) 17727/2004 in support of his claim. The main grounds urged by the applicant are that he has completed three years of service as GDSMD, Kattaikonam and he is similarly situated like the applicant in A-5 judgment, his engagement cannot be termed as stop gap arrangement.

3. When the application came up admission today, Shri TPM Ibrahim Khan SCGSC took notice on behalf of the respondents. The learned counsel for the applicant submitted that the applicant has been engaged as GDSMD, Kattaikonam w.e.f. 12.1.2004 when the regular incumbent was selected and appointed as Postman on provisional basis till 5.1.2006 when one surplus GDS Stamp Vendor was appointed and again

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w.e.f. 22.2.2007 continuously till date. Thus according to the learned counsel the applicant having more than three years service as a provisional GDS is entitled to be given the benefit of DGP&T letter dated 18.5.1979 (A3) and the judgment of the High Court of Kerala at Annexure A-5.

4 Heard learned counsel for the respondents also. After hearing the counsel on either side and on perusal of the records we are of the view that this O.A. can be disposed of at the admission stage itself with a direction to the respondents to consider the representation submitted by the applicant (A-4) and dispose of the same within a period of two months from the date of receipt of this order. We further direct that till the disposal of the representation as directed above, Annexure A-2 shall be kept in abeyance.

5 The application is disposed of as above. No costs.

Dated 6<sup>th</sup> August, 2009.

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

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K.B.S. RAJAN  
JUDICIAL MEMBER