

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.531/03

Tuesday this the 29th day of November 2005

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

Remakumari Devi G,
Office Assistant,
Department of Posts,
Government of India,
Divisional Office, Mavelikkara.

...Applicant

(By Advocate Mr.P.S.Vasavan Pillai)

Versus

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
2. The Postmaster General,
Central Region, Kochi – 682 016.
3. The Superintendent of Post Offices,
Mavelikkara Division, Mavelikkara.
4. Union of India represented by Secretary,
Ministry of Communications, New Delhi.Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 29th November 2005 the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant entered service in the Postal Department as a Postal Assistant on 5.9.1978 and passed the P.O. & R.M.S. Accounts Examination in 1990 and thus became qualified to be an Accountant. Thereupon she was posted as Accountant in the Mavelikkara Postal Division. At the time of TBOP Scheme she was asked to opt for either of the General or Accounts line and she opted the Accounts line and has

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been working as Accountant in the Accounts line till 23.9.1997 when she was deputed to the office of the Chief Postmaster General, Thiruvananthapuram on request. As there was no post of Accountant in the C.P.M.G.'s office she was posted in the Accounts Section as LSGPA performing the duties of an Accountant. On completion of the applicant's deputation period she was transferred to her parent Division, Mavelikkara on 28.11.2001 vide Annexure A-1 order. The grievance of the applicant is that on being re-transferred to her parent office, her request for posting as Accountant was rejected and she was appointed as Office Assistant retaining three of her juniors as Accountants in the same office.

2. Respondents have stated in the reply that on her return from temporary transfer there was no vacancy for accommodating her and changing other Accountants, who were working at that time, would hurt their feelings and would naturally cause injustice. They further submitted that the applicant would be appointed as Accountant when a clear vacancy arises.

3. We have heard the counsel on either side. Counsel for the applicant submitted that the applicant is presently working as a Postal Assistant in the same station. Counsel for the respondents submitted that there is no vacancy for accommodating the applicant. We find the arguments advanced by the respondents in the reply statement very strange. They admit that the applicant was senior to all the three officials who were working as Accountants. When an employee who had gone on deputation reverts back on completion of deputation to the post which she held previously and in which she holds a lien, such an employee has a prior claim to the post with reference to all the juniors who have been occupying

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the post for whatever reasons. It is also noticed from the averment of the respondents that a post of Accountant fell vacant on 8.4.2002 i.e. after the reversion of the applicant which has been filled up by the respondents by making officiating arrangement posting a junior to the applicant which action is not in accordance with the rules or justifiable on any account. We are, therefore, of the view that the relief asked for by the applicant is to be granted and the pleas of no vacancies and hurting the feeling of junior employees cannot be accepted. Therefore we direct the 3rd respondent to post the applicant as an Accountant in the Divisional Office, Mavelikkara or in any other office in the Mavelikkara Division immediately on receipt of this order. The O.A. is accordingly allowed. No order as to costs.

(Dated the 29th day of November 2005)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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