

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 555/99
and
OA 559/99

Monday this the 23rd day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

OA No.555/99

P.Sulochana Bai

Departmental Stamp Vendor
General Post Office
Trivandrum.

Applicant

[By advocate Mr.Thomas Mathew]

Versus

1. Senior Post Master
General Post Office
Trivandrum.

2. Senior Superintendent of Post Offices
Trivandrum North Division
Trivandrum.

3. Chief Post Master General
Kerala Circle
Trivandrum.

4. Director General
Department of Posts
New Delhi

Respondents.

[By advocate Mr.R.Prasanth Kumar, ACGSC]

OA No.559/99

P.Hariharan
Departmental Stamp Vendor
General Post Office
Trivandrum.

Applicant.

[By advocate Mr.Thomas Mathew]

Versus

1. Senior Post Master
General Post Office
Trivandrum.

2. Senior Superintendent of Post Offices
Trivandrum North Division
Trivandrum.

3. Chief Post Master General
Kerala Circle
Thiruvananthapuram.

4. Director General
Department of Posts
New Delhi. Respondents.

[By advocate Mr. T.A.Unnikrishnan, ACGSC]

The applications having been heard on 23rd July, 2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

are

Both these OAs were heard together and disposed of by this common order as the question involved is identical.

2. Applicants in both these OAs seek to quash the letter No.B/TFR/Postman dated 23.4.99 and to declare that they are entitled to continue as Departmental Stamp Vendor.

3. The applicants in both these OAs were formerly postmen. Subsequently they were posted as Departmental Stamp Vendors. They apprehend that there is a move to shift them from the post of Stamp Vendor to the post of Postman.

4. Respondents resist the OAs contending that there arose a demand from other postman staff in Trivandrum General Post Office that they should also be given a chance to work as Departmental Stamp Vendors so as to derive the benefits available to Stamp Vendors. Senior Postmaster, Trivandrum GPO as per letter dated 23.4.99 directed the Assistant Postmaster, Delivery, Trivandrum General Post Office to take necessary action to rotate the duties of 3 Stamp Vendors in the General Post Office except two who were posted as Stamp Vendors in consideration of their physical disability. They submitted representations. No decision was taken to shift the applicants from the post of Stamp Vendor and no order to this effect was served on them.

5. R-4 dated 23.4.99 in OA 559/99 is the order impugned in both the OAs. It is issued by the Senior Postmaster, Trivandrum GPO to the Assistant Postmaster, Delivery, Trivandrum PO.

6. Learned counsel appearing for the respondents submitted that R-4 is only extract of the minutes of the monthly meeting of the SSP TV(N) Dn. with the representative of one of the service unions and nothing more. From a reading of R-4, it is clearly seen that it is not just an extract of the minutes of the monthly meeting but Senior Superintendent of Post Offices, Trivandrum North Division has ordered to take suitable action in the matter as per letter dated 13.4.99. R-4 says that out of the five officials now working as Stamp Vendors in Trivandrum GPO, two will be posted as Stamp Vendor due to physical disability and three Stamp Vendors can be rotated. There is also a request to the APM Delivery, Trivandrum GPO to take necessary action to rotate the duties of 3 Stamp Vendors among the remaining officials of postman cadre.

7. Learned counsel appearing the applicant submitted that the applicants are occupying two posts of Stamp Vendor out of the three mentioned in R-4.

8. Respondents have stated in the reply statement that no decision was taken to shift the applicants from the post of Stamp Vendor. According to the learned counsel for the respondents, on the strength of this submission, these OAs are liable to dismissed. At the same time the respondents say in

the reply statement that Senior Post Master, Trivandrum G.P.O. has directed the Assistant Postmaster, Delivery to take necessary action to rotate the duties of three Stamp Vendors in the GPO except two who were posted as Stamp Vendors due to their physical disability. They also say that the applicants submitted representations and the medical certificates accompanying the representations cannot be relied on fully. So the respondents are simultaneously blowing hot and cold. They cannot be permitted to do so.

9. The stand of the respondents is not that based on the impugned orders no postings will be made but based on the impugned orders no postings have so far been made. So it can very well be a case that the respondents will take a decision to make posting based on R-4.

10. At the same time it is to be remembered that there is no order issued by the respondents posting the applicants as Postman from their present post of Departmental Stamp Vendor. Therefore, no legal injury has been caused to the applicants though legal injury can be caused to them based on R-4.

11. The learned counsel appearing for the applicants vehemently argued that R-4 is issued only in respect of Trivandrum GPO and not in respect of any other post office anywhere in India. This particular submission was not controverted by the learned counsel for the respondents. That being the position, it is a matter to be looked into in any event in the first instance by the department.



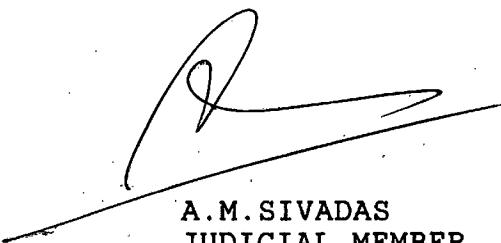
12. Accordingly the applicants are permitted to submit individual representation to the 4th respondent-the Director General, Department of Posts, New Delhi for redressal of their grievance within two months from today. If representations are received, the 4th respondent shall consider those representations and pass appropriate orders within three months from the date of receipt of the representations. Status quo of the applicants shall be maintained till the disposal of the representations. The OAs are disposed of as above.

Dated 23rd July, 2001.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.



A. M. SIVADAS
JUDICIAL MEMBER

Annexures referred to in this order:

R-4 True copy of the letter No.B/Tfr/Postman dated 23.4.99
issued by Sr. Postmaster, Thiruvananthapuram GPO.