

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 576
T. A. No.

199 1

DATE OF DECISION 9.1.92

P.M. Abida Applicant (s)

Mr. M. R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Supdt. of Post Offices,
Alappuaha and others Respondent (s)

Mr. K.A. Cherian, ACGSC Advocate for the Respondent (s) R 1 & 2

CORAM: Mr. P. S. Biju for R-3

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? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

MR. N.V. KRISHNAN, ADMINISTRATIVE MEMBER

In this case the applicant originally sought the following main reliefs:

- *i) to declare that the applicant is entitled to be considered for regular selection as EDSPM, Naduvathunagar post office without being sponsored by the employment exchange and to direct the respondents to consider her for such selection.
- ii) to declare that applicants services are not liable to be terminated except in accordance with Chapter V-A of I.D. Act. .."

An I.R. was granted directing the respondents to consider the applicant also for regular selection for the post of EDSPM, Naduvathunagar provisionally irrespective of the fact that she is not sponsored by the employment exchange and also directed that she should continue in that post until she is replaced by regular hand.

2. Subsequently it transpired that the third respondent had already been selected and he was ~~sent~~ ^{kept} out of the office

without any reason. Therefore, he made a ^{request} ~~statement~~ for the vacation of the stay order. The applicant also submitted M.P. 1662/91 seeking a direction that he was entitled to preferential selection and ^{the} selection of the third respondent is illegal.


3. After hearing counsel on both sides, we passed a detailed order on 13.12.91 vacating the interim stay order issued in favour of the applicant and directed the first respondent to re-induct the third respondent with immediate effect. We also allowed the M.P. for amendment filed by the applicant. We also made it clear in that order, that according to the submissions made by the respondents 1 & 3, the applicant was also considered in the selection in which the third respondent was finally selected.

4. When the case came up for hearing, the learned counsel for the applicant submitted that in pursuance of the direction of the Tribunal, the ^{applicant's} service has been terminated but not in accordance with ^{the} procedure in accordance with ^{the} law. ^{and hence the applicant has a} ~~He states his~~ grievance in that respect. He also submitted that in view of the fact that ^{the} ~~he~~ ^{applicant} is now out of service, he will have to submit a fresh application giving all the facts to impugn the selection of the third respondent and to challenge the ^{manner of} termination of ^{her} ~~his~~ service though ordered by this Tribunal, as it was not in accordance with law.


5. We have heard the other parties. They have no objection. In the circumstances, in the interest of justice

we close this application reserving the right of the applicant, ^{if only on the facts and circumstances of this case, is} to file a fresh application challenging the selection of the third respondent and only challenging the mode of termination in pursuance of our order that the third respondent should be ~~re-inducted~~ and thereby terminated the service of the applicant.

6. The application is disposed of accordingly. There will be no order as to costs.


9.1.92

(N. DHARMADAN)
JUDICIAL MEMBER


9.1.92

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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