

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision: 11.10.89

Present

Hon'ble Shri NV Krishnan, Administrative Member
and

Hon'ble Shri AV Haridasan, Judicial Member

DA 584/89

CV Sankarankutty

: Applicant

Vs

1 The Director General (Posts)
Department of Posts,
Government of India,
Ministry of Communications,
New Delhi-110 001

2 The Chief Postmaster General,
Kerala Circle, Trivandrum-695033 : Respondents

M/s KP Dandapani, K Jaju Babu
and Preethi Kesavan

: Counsel of Applicant

Mr TPM Ibrahim Khan, ACGSC

: Counsel of Respondents.

O R D E R

Mr NV Krishnan, A.M

This application has been filed to direct the Respondent-2 to give a suitable posting to the applicant as Superintendent (Sorting) in GCS Group 'B' in the Kerala Circle in implementation of the order dated 5.9.89 passed by the Director General (Posts) (Ext.P1). By that order three persons, including the applicant, were appointed to officiate as Superintendent (Sorting) in GCS Group 'B' with immediate effect and until further orders. The applicant who was working in Kerala Circle was also posted in the same Circle.

2 In the endorsement to the Chief Postmaster General, Kerala Circle, Trivandrum (Respondent-2), a direction was given to him that the applicant may be accommodated against

a Postal Service Group 'B' post in the Circle converting it to GCS Group 'B' post.

3 When the application was first heard on 6.10.89, counsel of applicant stressed the need for an urgent implementation of the order in so far as it concerns the applicant, as the applicant was due to retire on superannuation on 31.1.90. It was also stated by the counsel that the Ext.P1 order also appointed Shri GH Waghmode working in the Gujarat Circle as Superintendent (Sorting) in the GCS Group 'B' (i.e. ^{like the} ~~the alleged~~ applicant). It has been stated that in respect of that appointee, the orders have been implemented in Gujarat Circle as early as on 14.9.89. It is also averred that Sl.No.2 in the same Ext.P1 order, Shri BA Manvi, has also been given the similar posting in the Maharashtra Circle. In the circumstances, the learned counsel for the ^{applicant} ~~Respondents~~ requested that the Respondents should be directed to order immediate appointment of the applicant.

4 The learned counsel for the Respondents was initially given time to ascertain why the Ext.P1 order has not been implemented in the Kerala Circle, as similar orders in respect of 2 other persons have been implemented in the other Circles. The case was again listed for hearing and direction to-day as on the 9th instant satisfactory information was not made available to us.

5 The learned counsel for the Respondents states that as yet no orders have been issued in this regard.

6 We are of the view that an order like the present one in favour of the applicant, which was issued as early as 5th September, 89 ^u ~~and~~ ought to have been implemented within a period of about 2 weeks or so, particularly, when the Respondent-1 has directed the Respondent-2 to accommodate the applicant by converting a Postal Service Group 'B' post in this Circle into a GCS Group 'B' post. It is not an ordinary matter as the retirement of the applicant in superannuation is due on 31st January, 1990 i.e, hardly after 4 months.

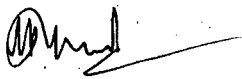
7 In these circumstances, we are of the view that suitable direction should be given to the Respondents to ^u ~~see~~ that the benefits whatever accrued to the applicant as a result of Expt.1 order are not delayed beyond a ^u reasonable time

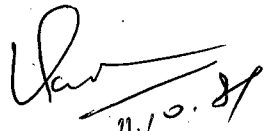
8 In the circumstances, we give the following directions:

(i) The applicant shall be deemed to have been appointed to the post of Superintendent (Sorting) in GCS Group 'B' as directed by the Ext.P1 order with effect from to-day i.e., 11.10.89.

(ii) The Respondents may complete whatever formalities have to be completed in this regard and issue a formal order in the light of the direction given at (i) above.

9 With these directions the application is allowed. There will be no order as to costs.


(AV Haridasan)
Judicial Member
11.10.89


(NV Krishnan)
Administrative Member
11.10.89