

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Common order in O.A. 768/2002 and 60/2003.

Wednesday this the 12th day of March 2003.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

O.A.768/02:

S.Sreekumar, Branch Postmaster,
Kokkottela, Aryanad. (on leave)
Residing at: 'Sreepadmm',
Eravoor, Aryanad. Applicant

(By Advocate Shri Vishnu S. Chempazhanthiyil)

Vs.

1. Sub Postmaster , Kattakada,
Trivandrum.
2. Sub Divisional Inspector of Post Offices.
Nedumangad.
3. Superintendent of Post Offices,
South Division,
Thiruvananthapuram.
4. Union of India, represented by its Secretary,
Ministry of Communications,
New Delhi.
5. S.Somasekharan Nair,
Branch Postmaster. Kulappada,
now working as Group 'D', Kattakada P.O.,
Trivandrum. Respondents

(By Advocate Shri K.Kesavankutty, ACGSC(R.1-4)
(By Advocate Shri Thomas Mathew (R5)

O.A.60/2003:

S.Somasekharan Nair.
Branch Postmaster. Kulappada.
(Terminated from the post of Group D Kattakada)
On leave at Sivalayam, Kulappada P.O.,
Aryanad-695542. Applicant

(By Advocate Shri Shafik M.A.)

Vs.

1. Union of India represented by
the Chief Postmaster General,
Kerala Circle, Trivandrum.
2. The Senior Superintendent of Post Offices,
Trivandrum South Division,
Thiruvananthapuram.

3. The Inspector of Post Offices,
Nedumangad Sub-Division,
Nedumangad.

4. S. Sreekumar, Branch Post Master,
Kokkotela B.O. working as substitute Group D,
Kattakada, Trivandrum. Respondents

(By Advocate Shri C.B.Sreekumar, ACGSC(R.1-3)

The application having been heard on 12.3.2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

These two applications relate to similar question and the claims in both these applications relates to Group 'D' post at Kattakada. Shri S.Sreekumar, the applicant in O.A.768/02, was appointed as Group 'D', Kattakada by A-3 order dated 5.4.2002 in that O.A. He took charge on 6.4.2002. His appointment as Group 'D' was on the basis of Annexure A-1 panel circulated vide letter dated 11.2.2002 in which the name of 5th respondent (applicant in O.A.60/03) was not included. The 5th respondent is undisputedly senior to the applicant in the category of Extra Departmental Agents. After the appointment of the applicant as GDS, Kattakada, an additional panel (A5) of willing GDS, was prepared and circulated vide letter dated 14.8.2002, for appointment to Group 'D' posts and the post of Postman. The 5th respondent Shri Somasekharan has been placed at serial No.2. The additional list happened to be prepared because, many GDS who were seniors had not earlier exercised willingness for appointment to the posts of Group 'D' and Postman for various reasons. After A-5 panel was prepared Shri Somasekharan at serial No.2 made a request for appointment to the post of Group 'D' Kattakada. A-6 order thereafter was issued replacing that applicant and posting the 5th respondent. Therefore the O.A.768/02 was filed by the applicant challenging the order A6.

2. The official respondents in their reply statement contend that the applicant was appointed as Group 'D' Kattakada on the basis of A-1 panel and when the additional panel was prepared, the 5th respondent who was found to be senior, was posted there replacing the applicant and therefore, this action is in conformity with the instructions. To substantiate this, Annexure R3(a) has been produced.

3. The 5th respondent has filed a reply statement in which he sought to justify the impugned order A-6 on the ground that he is senior to the applicant.

O.A.60/03:

4. The 5th respondent in O.A.768/02 is the applicant in this case. He has filed this application challenging A-1 order by which he was sought to be replaced by the 4th respondent who is the applicant in O.A.768/02. It is alleged that the applicant in this case being senior to the 4th respondent, the action on the part of the respondents in relieving him from the post of Group 'D' to pay way for appointment of the 4th respondent is unjustified.

5. The respondents have filed a reply statement in this O.A. justifying the action.

6. When the O.As. came up for hearing today, Shri K. Kesavankutty, learned counsel for the respondents 1 to 4 in O.A.768/02 submitted that the post of Group 'D' in Kattakada P.O. which is the subject matter of both these applications have now

become unavailable to both these applicants because one Mr.G.Sasidharan, Group 'D', Thycaud, H.O. who was under suspension, has been re-instated and posted as Group 'D' Kattakada, w.e.f. 14.2.2003(A/N). Now that the vacancy of Group 'D' Kattakada has been filled on regular basis by re-instatement and posting of Shri G.Sasidharan, a regular Group 'D' employee, the post is not available for occupation by either of the applicants in these cases. Therefore, we are of the considered view that the O.As. have practically become redundant. However, while disposing of these O.As. without any further directions we observe and direct that while making appointment to the post of Postman and Group 'D', seniority of the willing GDS shall be the criteria and the same should not be overlooked.

7. Original Applications are disposed of without any order as to costs.

— Dated the 12th March, 2003,
Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN

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