

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 607 of 1994

Wednesday this the 20th day of July, 1994.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M.Kunjukrishna Pillai
Casual Driver (Jeep)
Office of the Sr.Superintendent of
Post Offices, Quilon Postal Division,
Quilon. ... Applicant

(By Advocate Mr. V.R.Ramachandran Nair)

Vs.

1. Union of India represented by
Director General of Posts,
New Delhi.
2. The Chief Post Master General
Kerala Circle,Trivandrum.
3. The Senior Superintendent of Post
Offices, Quilon Postal Division,
Quilon. Respondents

(By Advocate Mr.S.Krishnamoorthy, ACGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks regularisation in the post
of Driver. He seeks to quash Annexure.A6 by which
his request was declined. Applicant had come to this
Tribunal in O.A.167/87, OA 961/91, O.A.48/94 and O.A.
396/94 and pursuant to the directions therein the Chief
Post Master General considered his case. But, he found
that:

"The one time relaxation for regularisation
against Group 'D' post granted under the above
O.M. is not available to the applicant as he
was not in service on 8.4.1991, the date of
issue of the said Government Order."

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Learned counsel for applicant does not dispute the correctness of this statement. Yet, he would say that the case deserves to be viewed with extreme sympathy. May be. But we cannot view the legal issues on the basis of sympathy alone. In Kerala Solvent Extractions Vs. Unnikrishnan, 1994(1) KLJ 595(SC) the Supreme Court frowned on misplaced judicial sympathy. The court pointed out that judicial process would be denuded of its merits by misplaced sympathy. We do not find any reason to quash Annexure.A6.

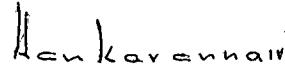
2. Applicant would add that by reason of Annexures A1 and A2 he is entitled to get certain benefits. If that is so, he must seek the benefits at the hands of the appropriate authority.

3. Subject to this observation, application is dismissed. No costs.

Dated this the 20th day of July, 1994.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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