

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 610 OF 2007

Tuesday, this the 10th day of June, 2008.

CORAM :

**HON'BLE Dr.K.B.S RAJAN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

P.Hareesh
Gramin Dak Sevak Mail Carrier
Kadanchery EDSO, Malappuram District
Residing at : "Cherooli House", Nariparamp PO
Malappuram District : Applicant

(By Advocate Mr.Shafik M.A.)

v.

1. Union of India represented by the
Chief Postmaster General
Kerala Circle
Trivandrum
2. The Superintendent of Post Offices
Tirur Division,
Tirur
3. The Inspector of Posts
Ponnani Sub Division,
Ponnani : Respondents

(By Advocate Mr.George Joseph)

The application having been heard on 10.06.2008, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant earlier approached this Tribunal in OA 764/06 where in the following order was passed :-

" In the light of what is stated above, we allow the Original Application and set aside the Annexure A-1 order. We direct the respondents to continue the applicant in the present post of GDSCM, Kadancheri till a regular selection and appointment is made to the post."

2. In pursuance there of Annexure A-1 notification was issued and the applicant has challenged the same and prayed for the following reliefs:-

- (i) To call the records relating to Annexure A-1 to A-2 and to quash A-1, being illegal, arbitrary and violative of the rules relating to the subject.
- (ii) To declare that the applicant is entitled to continue as GDSMC Kadancheri since he has already completed three years service as per DG Posts letter No.43-4/77-PEN. Dated 1.5.1979.
- (iii) To declare that any proposal to terminate the applicant's service as GDSMC, Kadancheri SO not in accordance with law pursuant to Annexure A-1 is illegal and arbitrary and to direct the 3rd respondent to continue the applicant till he is regularly appointed as such or on any other alternative post. "

3. Notwithstanding his prayer for quashing Annexure A-1, he had participated in the selection and has been selected by the respondents. With the above the relief claimed is satisfied.

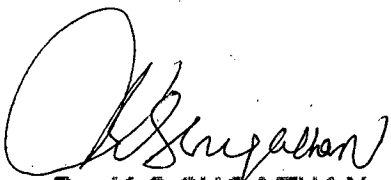
4. Counsel for applicant submits that the TRCA earlier paid to him as a provisional appointee was Rs.1600-2020 zx whereas vide Annexure A-1, in regular appointment, the TRCA is Rs.1220-1600. Counsel for applicant submits that by virtue of the above, the emoluments of the applicant is depleted. In addition, no order is passed with regard to the counting of his past service as provisional appointee.

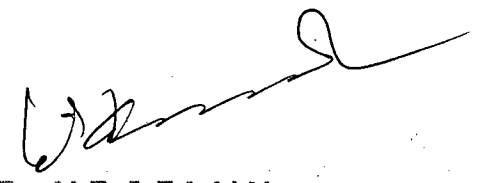
5. Counsel for respondents submits that the above grievance is nothing but a new cause of action not directly linked with the present O.A.

6. We agree with the view of the respondents' counsel as the applicant has not prayed anything relating to counting of past service or protection of TRCA. Against the new cause of action, the applicant is at liberty to make necessary representation before the administrative authorities and follow up the action.

7. As the grievance of the applicant with regard to the present O.A already stands redressed, the OA is disposed of with the above observation. No costs.

Dated, the 10th June, 2008.


Dr. K.S.SUGATHAN
ADMINISTRATIVE MEMBER


Dr. K.B.S.RAJAN
JUDICIAL MEMBER

VS