

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 93 of 1993.

DATE OF DECISION 19-1-1993

Mrs Rajamma AN Applicant (s)

Mr Asok M Cherian Advocate for the Applicant (s)

Versus

Superintendent of Post Respondent (s)
Offices, Mavelikkara & 2 others

Mr Joy George, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **AV HARIDASAN, JUDICIAL MEMBER**
&

The Hon'ble Mr. **R RANGARAJAN, ADMINISTRATIVE MEMBER**

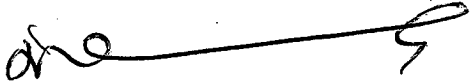
1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

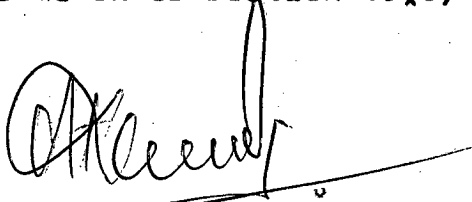
JUDGEMENT

(Hon'ble Shri AV Haridasan, J.M.)

The applicant who has been working as Extra Departmental Sub Postmistress, Mankamkuzhi from the year 1968 has approached this Tribunal with this application praying that the proposal to terminate her services as EDSPM on the E.D.Branch Post Office being converted into Departmental Office may be declared illegal and unjustified. Till now no order has been issued by the Department abolishing the E.D.Branch Post Office at Mankamkuzhi. Of course it is the prerogative of the Department to decide whether a regular Post Office has to be established or whether an Extra Departmental Branch Post Office should continue. If they take

a decision to abolish an EDBPO and convert it to a Departmental Office considering the requirement of the locality, the decision cannot be said to be arbitrary or irrational. The applicant will have a grievance only if in that process, her services are terminated without following the mandatory provisions contained in Chapter V-A of the Industrial Disputes Act or the departmental rules and instructions. The appointment and service conditions of the ED Agents are governed by instructions issued by the Director General of Posts from time to time. There are sufficient safeguards in these instructions regarding accommodating of working ED Agents retrenched for want of vacancy on account of abolition of an ED Branch Post Office. We cannot presume that the Departmental authorities would act in violation of the above-said instructions. If the post of ED Sub Postmistress at Man-kamkuzhi is to be abolished, the Department may consider rehabilitation of the applicant who has been working there for more than 2 decades. Therefore we are of the view that the apprehension in the mind of the applicant at the moment that she would be thrown out of service does not appear to be based on any fact. In these circumstances, we are of the view that the application is premature and therefore we reject the same under Section 19(3) of the A.T.Act.


(R RANGARAJAN)
ADMVE. MEMBER


(AV HARIDASAN)
JUDICIAL MEMBER

19-1-1993

trs