

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.98/97

Monday, this the 17th day of February, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K Saseendran Pillai,
Extra Departmental Mail Carrier,
Patharam.P.O.
Ervachira Naduvil,
Patharam.P.O.

- Applicant

By Advocate Mr MR Rajendran Nair

vs

1. Senior Superintendent of Post Offices,
Pathanamthitta.
2. Smt Mangala Devi,
Extra Departmental Packer,
Kunnathur East Post Office. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC(for R-1)

The application having been heard on 17.2.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who commenced his service in August 1991
as Extra Departmental Delivery Agent, Patharam Post Office,
was appointed as Extra Departmental Sub Post Master(EDSPM for
short), Sooranad North, Adoor Sub Division on 12.9.94.
Consequent on the upgradation of E.D.Branch office into E.D.
Sub Office in March, 1996, the applicant was redesignated as
E.D.Packer/Mail Carrier and his allowances reduced to Rs.370
plus dearness allowance. Thereafter he was transferred as

EDMC, Patharam. The post of EDSPM, Vayala-Parakkodu in Adoor Sub Division became vacant. By a letter dated 24.12.96 that vacancy along with certain vacancies in other E.D.Posts were notified by the Superintendent of Post Offices, Pathanamthitta calling for application for appointment to those posts from E.D.Agents of the Division. It was stipulated in that letter that all BPMs/EDSPMs of Pathanamthitta Division would be eligible for transfer as BPMs/EDSPMs and that E.D.Agents of Adoor Sub Division are only eligible to apply for transfer to EDSPM, Vayala-Parakkodu. The applicant applied pursuant to this letter. The grievance of the applicant is that overlooking his superior claim, the first respondent is understood to have decided to appoint the second respondent as EDSPM, Vayala-Parakkodu. Therefore the applicant has filed this application for the following reliefs:

- "(i) to declare that applicant is entitled to be appointed as Extra Departmental Sub Post Master, Vayala-Parakkodu in the existing vacancy, and that he is entitled to receive the salary and allowances at the same rate as he was drawing till 14.3.96; as Extra Departmental Sub Post Master, and to
- (ii) direct the 1st respondent to appoint the applicant as Extra Departmental Sub Post Master, Vayala-Parakkodu, and to pay him salary and allowances as applicable to the category of Extra Departmental Sub Post Master from 14.3.96; and
- (iii) to declare that the proposal to appoint/appointment of 2nd respondent as Extra Departmental Sub Post Master Vayala-Parakkodu is illegal and to direct the 1st respondent not to appoint the 2nd respondent."

Applicant has also alleged that he is entitled to be paid the allowances which he was drawing prior to 14.3.96.

2. Notice was issued to the first respondent directing him to file a statement. Though Shri TPM Ibrahim Khan appeared for the 1st respondent, no reply has been filed.

3. We have heard Shri MR Rajendran Nair, counsel for applicant and Shri TPM Ibrahim Khan, counsel for 1st respondent. On a careful scrutiny of the allegations in the application and having perused the orders and the instructions regarding appointment of E.O. Agents on vacancies which arise in a Division, we are of the considered view that the applicant is not entitled to have a declaration as prayed for, especially when the applicant himself has applied for appointment pursuant to the A-4 letter in which it was stated that EDSPM and ED8PM are eligible for being considered for appointment as EDSPM. If the 1st respondent makes any appointment against the rules and if he feels aggrieved, it may be open for the applicant to challenge the appointment, but before any such appointment is made, we are of the considered view that the application is premature in nature. In regard to the rest of the grievance of the applicant regarding reduction in the allowances, the applicant if he so advised, is free to approach the authorities

or seek appropriate reliefs separately in accordance with law. As no judicial intervention is felt necessary at this juncture, the application is rejected under Section 19(3) of the Administrative Tribunals Act. There will be no order as to costs.

Dated, the 17th February, 1997.

P Venkatakrishnan
PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

AV Haridasan
AV HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A4: True copy of the Memo# 83/25 dated 24.12.1996 issued by the Superintendent of Post Offices Pathanamthitta Division, Pathanamthitta -689 645.

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