

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 10/89

DATED THE FIRST DAY OF FEBRUARY
NINETEEN HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri G. Sreedharan Nair, Judicial Member

&

Hon'ble Shri N. V. Krishnan, Administrative Member

P. Krishnankutty Applicant

Vs.

1. Senior Superintendent of Post Offices
Pathanamthitta
2. Director General of Posts,
Department of Posts, New Delhi
3. Union of India represented by
its Secretary, Ministry of
Communications, New Delhi and
4. P. G. Thomas, Extra Departmental
Delivery Agent, Elanthur Pariyaram
now Postman trainee at Pathanamthitta H.O.

Respondents

O. V. Radhakrishnan

Counsel for
the applicant

PV Madhavan Nambiar, SCGSC

Counsel for the
Respondents
1 to 3

M.R. Rajendran Nair

Counsel for R-4

O R D E R

(Pronounced by Hon'ble Shri G. Sreedharan Nair)

This matter comes up before us on the question of
admission after notice have~~y~~ been served ~~on~~ the respondents.

On behalf of respondents 1 to 3, the Senior Central Govt.

Standing Counsel has entered appearance, and on behalf of

the fourth respondent Advocate Mr. M. R. Rajendran Nair

has not only entered appearance but has also filed reply.

2. We have heard counsel on either side.

3. The main relief that is claimed in the application is to set aside the order contained in the memorandum dated 23.12.1988 under which the fourth respondent has been selected for appointment in the cadre of Postman. The applicant has alleged several reasons in the application in support of the challenge.

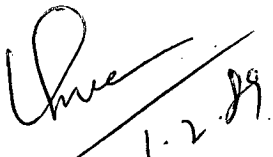
4. Today the counsel for the applicant has produced before us a copy of the order contained in memorandum dated 23.1.1989 by which the earlier order dated 23.12.1988 has been cancelled on the ground that the candidature of the fourth respondent (for the examination) is not allowable. Counsel for the fourth respondent also submitted that such an order has been passed. In view of the aforesaid order, it was submitted by the counsel for the applicant that the applicant does not desire to proceed further with the application as the grievance of the applicant no longer survives.

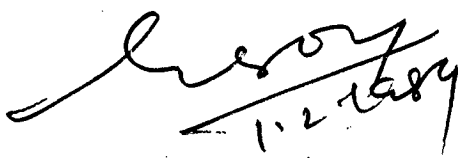
5. It was submitted by counsel for the fourth respondent that it was pursuant to the interim order passed by this Tribunal on 10.1.1989 that his client was not appointed as a Postman. It was pointed out that the fourth respondent had completed the prescribed training and was actually allotted to the Ranni Sub Division by the order dated 11.1.1989. It may be that consequent upon the order dated 11.1.1989 the fourth respondent would have procured

He

appointment to the post of Postman. But when we take note of the order dated 23.1.1989 passed within a fortnight, which highlights the fact that the candidature of the fourth respondent itself to take the examination was not allowable and hence the result has been cancelled, it cannot be said that as a matter of course, the appointment of the fourth respondent would have followed after 11.1.1989. However, we do not think that we should ~~plunge~~ ^{probe} further into the question. In case the fourth respondent is aggrieved by the order dated 23.1.1989, it is needless to state that it will be open to him to assail the order in appropriate proceedings. Suffice to ~~state~~ ^{state} that the ~~statement~~ ^{submission} of the counsel for the fourth respondent that the applicant should be ~~meted~~ ^{meted} with costs for having filed the application before the Tribunal, on the strength of which the interim order was passed, does not appeal to us.

6. The application is rejected.


(N. V. Krishnan)
Administrative Member
1.2.1989


(G. Sreedharan Nair)
Judicial Member
1.2.1989

knn