

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO.112/2010

Dated this the 15<sup>th</sup> day of February, 2010

C O R A M

HON'BLE MR. JUSTICE K. THANKAPPAN, JUDICIAL MEMBER  
HON'BLE SMT. K. NOORJEHAN, ADMINISTRATIVE MEMBER

C. Jayakumar  
TBOP SA  
HRO, RMS TSV Division  
Thiruvananthapuram.

Applicant

By Advocate Mr. Vishnu S. Chempazhanthiyil

**Vs**

1 The Senior Superintendent  
RMS TV Division  
Thiruvananthapuram-36

2 Union of India represented by the  
Chief Postmaster General  
Kerala Circle  
Thiruvananthapuram.

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 15.2.2010 the Tribunal on the same day delivered the following:

ORDER

HON'BLE SMT. K. NOORJEHAN, ADMINISTRATIVE MEMBER

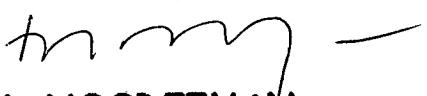
The applicant entered service of the respondents on 20.6.1983 and has completed 27 years of service as on date. He is presently working as a Sorting Assistant in RMS TV Division,

Thiruvananthapuram. He has been requesting for a posting at TVM RMS/1 or TVM RMS-II where the duty hours are from 6.30 a.m. to 2.30 p.m and 9 a.m to 5 p.m. The grievance of the applicant is against the arbitrary and discriminatory duty assignment in the yearly rotation of the year 2010 and non-consideration of his grievance raised against the same. Hence, he filed this O.A mainly to set aside Annexure A-2 to the extent he had been assigned duty at MPCM Counter III-B and to reconsider the yearly rotation based on his option. The main grounds urged are that Annexure A-2 is issued under pressure of union, no clear cut norms have been followed, no action has been taken on his representation at A-3 and that despite being the seniormost optee, his continuance for the 3<sup>rd</sup> consecutive time at the MBC is illegal and arbitrary.

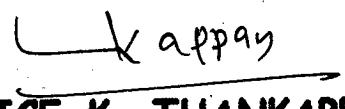
2 Shri Sunil Jacob Jose, SCGSC enters appearance and takes notice on behalf of the respondents.

3 Having heard the learned counsel on both sides, we are of the view that the O.A can be disposed of at the admission stage itself without directing the respondents to file a formal reply statement. Accordingly, we direct the 1<sup>st</sup> respondent to consider the representation at Annexures A1, A-2 & A-4 in the light of P&T Manual Vol. IV and pass a speaking order within two months from the date of receipt of a copy of this order. The O.A is disposed of as above. No costs.

Dated 15.2.2010

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

kmn

  
JUSTICE K. THANKAPPAN  
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

RA 10/2010 in O.A. NO.112/2010

Dated this the 1<sup>st</sup> day of April, 2010

C O R A M

HON'BLE MR.JUSTICE K. THANKAPPAN, JUDICIAL MEMBER  
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

C. Jayakumar  
TBOP SA  
HRO, RMS TSV Division  
Thiruvananthapuram.

Review Applicant

By Advocate Mr. Vishnu S. Chempazhanthiyil

Vs

- 1 The Senior Superintendent  
RMS TV Division  
Thiruvananthapuram-36
- 2 Union of India represented by the  
Chief Postmaster General  
Kerala Circle  
Thiruvananthapuram.

Review Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant in O.A. 112/2010 has filed this Application for review of the order of this Tribunal in O.A. 112/2010, dated 15.2.2010 on the grounds that the direction to consider A-4 representation by the 1<sup>st</sup> respondent is an error apparent on the face of record as

71.

Annexure A-4 is addressed to the 2<sup>nd</sup> respondent and contains complaints about the arbitrary action of the 1<sup>st</sup> respondent.

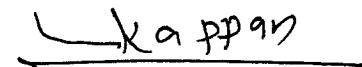
2 The second prayer in the O.A was to direct the respondents to reconsider the yearly rotation of the applicant and take action based on the options exercised by the applicant and the third prayer was to direct the 2<sup>nd</sup> respondent to consider and pass orders on Annexure A-4. As there were only two respondents in the party array and the 2<sup>nd</sup> respondent CPMG being the head of the Postal Circle, we considered it appropriate to direct the 1<sup>st</sup> respondent to consider the representation. However, in view of the averments in the RA, we are of the view that it is proper to direct the 2<sup>nd</sup> respondent instead of the 1<sup>st</sup> respondent to consider the representation.

3 We also notice that there is error in the direction to consider Annexures A-1, A-2 & A4 as Annexures A1 and A2 are not representations, A-4 representation alone needs to be considered. Therefore, we allow the R.A and modify the second line of para 3 as follows:

"Accordingly, we direct the 2<sup>nd</sup> respondent to consider the representation at Annexure A-4 in the light of P&T Manual Vol. IV and pass a speaking order within two months from the date of receipt of a copy of this order."

Dated 1<sup>st</sup> April, 2010.

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

  
JUSTICE K. THANKAPPAN  
JUDICIAL MEMBER

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