

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.114/2003.

Monday this the 31st day of March 2003.

CORAM:

HON'BLE MR.T.N.T NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

(By Advocate Shri Babu Cherukara)

vs.

1. The Superintendent of Post Offices,
Pathanamthitta Postal Division,
Pathanamthitta.
2. Sub Divisional Inspector,
(Post Offices)
Ranny Sub Division, Ranny Pin-689 672,
Pathanamthitta District. Respondents

(By Advocate Shri K.Kesavankutty ACGSC)

The application having been heard on 31st March 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant was engaged as Extra Departmental Mail Carrier (EDMC for short) at Perinad P.O. (Ranny). He joined duty on 27.9.97. He met with an accident on 7.9.98 as is evidenced by A-2 photo copy of the Accident Register. As per A-3 treatment Certificate dated 28.2.2001, the applicant was discharged after treatment on 12.1.98, re-admitted for further treatment on 2.2.98 and discharged thereafter on 3.2.98. The applicant's grievance is that, in spite of his representation to the respondents for reinstatement to the post, no reply has been received by him so far. Therefore the applicant has filed this O.A. seeking the following reliefs.

- (a) Order directing the respondents to reengage the applicant as an Extra Departmental Agent in the Postal Department.
- (b) Order directing the Ist respondent to dispose of Annexure A4 application.
- (c) Issue any other orders as this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the O.A. and also those are prayed for during the pendency of the O.A.
- (d) Order the entire costs of the applicant.

2. When the matter came up for admission on earlier occasions Shri K.Kesavankutty, ACGSC sought time to get instructions and to file a statement. Accordingly, today he has filed a detailed statement supported by certain documents. Those would show that, the applicant had, after his medical treatment, furnished a letter dated 16.11.98 seeking to resign from the post of EDMC on the ground that he would not any longer be able to carry any weight on account of the disability due to accident. As per Annexure R-1(C) the respondents' claim to have engaged one Shri Rijo Varghese as EDMC, Perinad P.O.(Ranny) apparently in the place of the applicant with effect from 10.2.99. The respondents would therefore, submit that the application was liable to be rejected at the threshold itself with costs.

3. On a consideration of the facts, we find that this application has no substance. It may be true that the applicant who was engaged as EDMC has sustained serious leg injury which caused 20% handicap to his right leg, but this happened in February 1998. The last date on which he received some treatment in that regard was 3.2.1998 when he was discharged as per A-3 treatment certificate. One would have been at a loss to understand what has made him stay away from 1998 to 2001. The treatment certificate does not throw any light on treatment if

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any after 3.2.1998. Thus the period of absence from 1998 to 2001 would have remained unexplained. That would be sufficient to reject the application as hopelessly belated. But now the respondents have produced a copy of the Resignation letter dated 16.11.98 whereby the applicant appears to have resigned from his engagement as EDMC and the respondents appear to have acted thereon by accepting the same and by engaging another person in his place.

4. In view of the facts and circumstances discussed above we do not consider that this application is sustainable. Accordingly, we proceed to dismiss the application as ab initio devoid of merit.

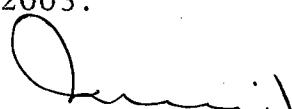
5. Shri K.Kesavankutty, learned ACGSC has made a plea for levying exemplary costs on the applicant for suppressing material facts and causing this vexatious litigation. Having regard to the circumstances of the litigant, however, we do not consider it necessary to order any costs.

6. The application is dismissed.

Dated the 31st March, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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