

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.120/2002

Thursday, this the 20th day of June, 2002.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

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

Biju Thomas,
Provisional GDSPM,
Nellickammon Sub Post Office,
Ranni. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Sub Divisional Inspector,
Ranni Postal Sub Division,
Ranni.
2. Superintendent of Post Offices,
Pattanamthitta Postal Division,
Pathanamthitta.
3. The Chief Post Master General,
Kerala Circle,
Trivandrum-695 001.
4. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi. - Respondents

By Advocate Mr TC Krishna, ACGSC

The application having been heard on 20.6.2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant, son of late K.A.Thomas who died in harness while working as Extra Departmental Sub Post Master,

✓

Nellikkamon Post Office, has filed this application. He is aggrieved by the rejection of his claim for employment assistance on compassionate grounds vide order A-1 dated 1.2.2002. Immediately on the death of his father, the applicant was provisionally appointed on the post and he is continuing. Finding that A-2 notification has been issued for making recruitment to the post, the applicant has filed this application challenging the orders at A-1 and A-2 and for a declaration that he is entitled for employment assistance on compassionate ground and for appropriate direction to the respondents. When the applicant received the impugned order A-1 rejecting his claim for employment assistance on compassionate ground, the applicant submitted an appeal to the 3rd respondent(A-4) on 12.2.2002. The same has not been considered and disposed of.

2. The respondents in the reply statement have resisted the claim of the applicant. However, it has been indicated in the reply statement that the representation submitted by the applicant to the 3rd respondent was not considered and disposed of because the applicant has filed this O.A. immediately after making the representation.

3. When the application came up for hearing today, learned counsel on either side agree that the application can be disposed of directing the 3rd respondent to consider A-4 representation submitted by the applicant and to give the applicant an appropriate reply and that till such a reply is

communicated to the applicant, his provisional services shall not be terminated.

4. In the light of what is stated above, the application is disposed of without going in to the merits of the case and directing the 3rd respondent to consider A-4 representation and to give the applicant an appropriate reply. We also direct the respondents that till a reply on the representation of the applicant is served on him, the services of the applicant on provisional basis shall not be terminated. There is no order as to costs.

Dated, the 20th June, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

trs

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order No.B3/Rel.Rectt/2001/3 dated 1.2.2002 issued by the 2nd respondent to the applicant.
2. A-2 : A true copy of the Order No.08-3/EDSO/30 dated 1.2.2002 issued by the 2nd respondent.
3. A-3 : True copy of the representation dated Nil submitted by the applicant to the 2nd respondent together with the English transliteration.
4. A-4 : A true copy of the appeal dated 12.2.2002 submitted by the applicant to the 3rd respondent.

npp
26.6.02