

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 135 of 1998.

Friday this the 20th day of March, 1998.

CORAM:

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

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

V.T. Uthup,
Postal Assistant,
Head Post Office, Vaikom.

.. Applicant

(By Advocate Mr. D.V. Radhakrishnan)

Vs.

1. Senior Superintendent of
Post Offices, Kottayam Division,
Kottayam.

2. Postmaster General,
Central Region, Kochi.

3. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.

4. Director General of Posts,
Department of Posts,
New Delhi.

5. K.M. Koshy, Public Relations
Inspector (Postal),
Head Post Office, Kottayam.

6. T.N. Vasudevan Nair, Public
Relations Inspector (Postal) II,
Head Post Office, Kottayam.

.. Respondents

(By Advocate Shri George Joseph, ACGSC (For R.1-4)

By Advocate Shri P.C. Sebastian, (For R.5 & 6)

The application having been heard on 20th March, 1998,
the Tribunal on the same day delivered the following:


O R D E R

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

This application relates to the appointment of
Public Relations Inspector (P.R.I. for short) in the Postal
Department. According to the instructions from the Directorate
in regard to selection for appointment as PRI, as far as
possible, Biennial Cadre Review (B.C.R. for short) of officials
under 45 years were to be selected. The respondents 5 & 6

were appointed as PRIs in the year 1994. They had at that time crossed the age of 45 years. When the Director Postal Services inspected the office of the Senior Superintendent of Post Offices it was noted that the respondents 5 and 6 had crossed the age of 45 years when they were appointed as PRIs and the matter was reported to the Postmaster General, Central Region, who in turn directed a review and replacement of the officials who had been appointed after the age of 45 years by younger officials. Pursuant to the above, the Senior Superintendent of Post Offices invited volunteers for appointment to the two posts of PRIs. The applicant was one of the volunteers within the 45 years of age and a BCR official. He was selected and by order dated 8.12.97 (A2) appointed as PRI(P), Kottayam Head Office replacing the 5th and 6th respondents. However, he was not relieved and therefore could not take over. To his surprise and disappointment, by order dated 16.1.98, Annexure.A5, the Senior Superintendent of Post Offices quoting a letter of the Post Master General Cochin dated 12.1.98 informed the applicant that his posting by order dated 8.12.97 has been cancelled. The applicant is aggrieved by that. According to the applicant the appointment of Respondents 5 and 6 after they had crossed 45 years of age was irregular and cancellation of the offer of appointment to him without notice is unsustainable. The applicant has therefore, filed this application for having the impugned order A5 quashed and for a direction to the respondents 1&2 to replace respondents 5 & 6 from the post of PRIs in compliance with the directions contained in Directorates letter A4.

contd....



2. The respondents 1 to 4 contend that there was no illegality or irregularity in the appointment of respondents 5&6 as PRIs. According to the instructions contained in the letter of the Director General of Posts No.4-52/92-SPB-II(Annexure-R1) noting the fact that most of the BCR officials would have crossed 45 years of age it was directed that BCR officials who have crossed 45 years could also be appointed as PRIs provided they are meritorious, intelligent and energetic, and that in the case of nonavailability of such officials, officials from among those promoted under the IBOP Scheme might be appointed and therefore according to the respondents 1 to 4, the appointment of respondents 5 and 6 as PRIs was perfectly in order. After issue of Annexure-A2 orders when respondents 5&6 represented to the Post Master General, this fact was noted and it was decided that the respondents 5&6 would be allowed to complete their tenure and therefore the impugned orders had to be issued for want of ~~vacancies~~, contend the respondents 1 to 4. They have indicated that the 5th respondent would complete his tenure in April, 1998 and the 6th respondent in April, 1999.

3. On a careful scrutiny of the materials available on record and on hearing the learned counsel on either side, we are of the considered view that the action of respondents 1 to 4 in allowing respondents 5&6 to continue as PRIs till

the end of their respective tenure and cancellation of the offer to the applicants are unexceptionable. There was no irregularity in the appointment of respondents 5&6 in view of the directions contained in the letter of the D.G. Posts Annexure-R1. The selection of the applicant for replacement of respondents 5&6 was undertaken on an erroneous impression that the appointment of respondents 5&6 was against the direction in Annexure-R1. When the Post Master General reconsidered the issue, he found that it was not necessary to replace the respondents 5&6 before they complete their tenure. The decision is absolutely just and proper. Hence the applicant is not entitled to the reliefs sought.

4. While declining the reliefs sought in this application, we dispose of this application with a direction to respondents 1 to 4 that when vacancies of PRIs ^{would} arise, the applicant in this case should be considered for appointment on the basis of his selection already made. No costs.

Dated, the 20th March, 1998.


(SK GHOSAL)
ADMINISTRATIVE MEMBER


(AV HARIDASAN)
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-2 : Memo No. B1/3 dated 8-12-97 of the 1st respondent.
2. Annexure A-4 : Letter No. ST/24/Rlgs dated 3-12-92, PMG Kochi Letter No. ST/1-37/87/Dlg dated 8-12-92 of the 3rd respondent.
3. Annexure A-5 : Memo No. B1/3 dated 16-1-98 of the 1st respondent.
4. Annexure R-1 : Letter No. 4-52/92-SPB.II dated Nil issued by the Director General of Posts, New Delhi.

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