

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.138 of 1995

Tuesday this the 27th day of June, 1995.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

T.Radhika,
Thekke Veedu,
Tarur,
Palghat District.

.... Applicant

(By Advocate Mr. P.K.Madhusoodhanan)

Vs.

1. The Post Master General,
Northern Region,
Kerala Circle, Calicut-673011.

2. Senior Superintendent of Post
Offices, Palghat.

3. Vijayakumari,
now engaged as Extra Departmental
Sub Post Master,
Extra Departmental Sub Post Office,
Tarur.

..... Respondents

(By Advocate Mr. Shefik MA for R.1&2
Mr. KS Bahuleyan for R.3)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

This case reminds one of the adage - confusion
confounded worse.

2. Third respondent Vijayakumari was an aspirant
for the post of Extra Departmental Branch Post Master,
Kanakanthuruthi. But with her husband working in that
Post Office as an Extra Departmental Delivery Agent,
the department in its wisdom thought that Vijayakumari
should not be the Post Mistress. One K.T.Zacharia was

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appointed to that post. Challenging that appointment Vijayakumari approached this Tribunal by O.A. 1131/93 and obtained an order to consider transferring Vijayakumari's "husband to any of the Post Offices either at Panniyankara or Tarur...."

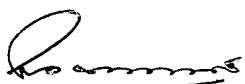
3. On Vijayakumari's application her husband could not have been transferred because, the circumstances under which a next friend can seek relief did not exist in the case. Be that as it may, the department did one better. Instead of considering the transfer of Vijayakumari's husband to Tarur or Panniyankara, Vijayakumari herself was appointed at Tarur. That is challenged in the present application by applicant Radhika, who according to Standing Counsel has no locus standi.

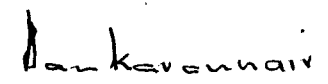
4. Before considering or considering at all, the prayer we must wipe out the vicious circle of events and leave it to the department to proceed further in accordance with law. The matrix of the present events is the order in O.A.1131/93. Therein Vijayakumari challenged Zacharia's appointment and obtained an order to consider transferring her husband. She had no locus standi to seek such a relief and such a relief could not have been granted. We declare the order in O.A.1131/93 is 'per incuriam'. All the orders issued pursuant to the orders in O.A. 1131/93 also are set aside. Respondents will proceed afresh in the matter in accordance with law. Appropriate

action will be taken within three months from today. Until such orders are passed, to avoid dislocation in the functioning of the Post Offices, status quo as of today as far as the incumbents of posts are concerned will continue.

5. With the aforesaid directions, we dispose of the application. No costs.

Dated the 27th day of June, 1995.


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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