

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.147/98

Thursday this the 2nd day of April, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

Rajalakshmy Amma,
W/o Sivan Pillai, aged 42 years,
Kannampallil Tharayil,
Pada North,
Karunagapally.

...Applicant

(By Advocate Mr. Lloyd Joseph Vivera)

Vs.

1. The Sub Post Master,
Chavara.
2. The Assistant Superintendent of
Post Offices, Kollam.
3. Sobhana S, Puthuveetil Veedu,
Thottinuvapakkee, Chavara PO,
Kollam Dist. (Addl.R3 impleaded vide order in
MA.240/98)

(BY Advocates Mr.TPM Ibrahim Khan (rep.)
Mr.OV Radhakrishnan (for R.3).

The application having been heard on 2.4.1998, the
Tribunal on the same day delivered the following:

O R D E R

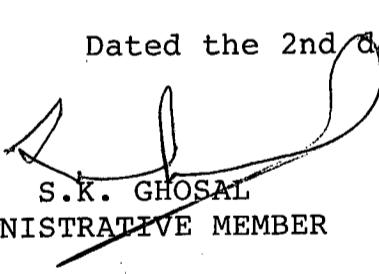
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant is that while he
was informed by Memo dated 23.12.97 (A2) that he has been
provisionally selected as Extra Departmental Stamp Vendor,
Chavara P.O. and was asked to report before the first
respondent on 24.12.97, he was informed by the impugned
order dated 29.12.97 (A3) that the Memo dated 23.12.97
has been cancelled as ordered by the court. Aggrieved by
that the applicant has filed this application for having
the A3 order quashed and direct the respondents to
reinstate her as E.D.Stamp Vendor with all consequential
benefits.

2. When this application came up for admission Ms. Sobhana S. has got impleaded herself as additional respondent on the ground that she was also concerned with the selection and appointment to the post. On behalf of respondents 1&2 a reply statement has been filed and the third respondent has also filed another reply statement. Respondents 1&2 in their reply statement contend that this Tribunal had in O.A.1625/97 while directing consideration of the applicant in that case for selection without being sponsored by the Employment Exchange directed that the result shall not be announced until further orders and that therefore, the memo issued to the applicant on 23.12.97 having been found to be not in confirmity with the court direction, the competent authority had no option but to issue the impugned order cancelling the memo dated 23.12.97 informing the applicant of her selection. Further the Senior Superintendent of Post Offices on his ~~xxxxxx~~ affidavit ~~xxxxxxxx~~ on behalf of the respondents 1&2 has stated that on a scrutiny of the file relating to the selection and appointment to the post of E.D. Stamp Vendor, Chavara it was found that there was nothing to indicate that the selection had been finalised and therefore, the memo issued to the applicant on 23.12.97 was not proper. The respondents 1&2 therefore contend that the applicant is not entitled to the reliefs sought for in the application. The third respondent in her reply statement contends that the selection of the applicant was on account of a decision taken by the official respondents to confine the field of choice only to those sponsored by the Employment Exchange which is against the directions of the Tribunal in O.A.1558/97.

3. We have heard the learned counsel for the parties and have seen the materials on record. The applicant does not have a legitimate grievance now to maintain this application. She has not taken over as E.D. Stamp Vendor, Chavara Post Office. Well before she could take over, the provisional selection has been cancelled to honour the directions contained in the interim orders of the Tribunal in O.A.1625/97. This action of the official respondents is strictly in order and is unexceptionable. The applicant cannot, therefore, seek quashing of the impugned order or for a direction to reinstate her. The claim for reinstatement is totally baseless because she has not been in that post so far. The application, therefore, fails. While declining to grant the reliefs to the applicant, as prayed for in this application, we dispose of this application with a direction to the respondents 1&2 to finalise the selection in accordance with the rules and instructions and in compliance with the directions contained in the two orders. No order as to costs.

Dated the 2nd day of April, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

|ks|

LIST OF ANNEXURES

1. Annexure A2: Appointment order dated 23.12.1997 issued by the Ist respondent.
2. Annexure A3: Letter No.CVr/EDSV/Rectt. dated 29.12.97 issued to the Applicant by the Ist respondent

.....