

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.153/04

Wednesday this the 3rd day of March 2004

C O R A M :

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

T.K.Sukumaran,
S/o.Kuttan,
GDS MD II, Mulavukad.

Applicant

(By Advocate Mr.Shabu Sreedharan)

Versus

1. Union of India represented by
its Secretary, Department of Posts,
New Delhi.
2. The Chief Post Master General,
Kerala Postal Circle,
Thiruvananthapuram.
3. The Senior Superintendent of Post Office,
Ernakulam Sub Division, Ernakulam.
4. The Asst. Superintendent of Post Office,
Ernakulam Sub Division, Ernakulam.

Respondents

(By Advocate Mr.K.Kesavankutty,ACGSC)

This application having been heard on 3rd March 2004 the
Tribunal on the same day delivered the following :

O R D E R

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

The applicant was appointed as GDS MD II, Mulavukad by order dated 5.12.2001 (Annexure A-4) provisionally subject to the outcome of the O.A.450/01. The O.A.450/01 was allowed by order dated 18.9.2003 of this Tribunal setting aside the termination of service of the applicant in that O.A. Since there was no interim order in favour of the applicant in O.A.450/01 the applicant in this case was appointed provisionally and subject to the outcome of that O.A. Ultimately finding that even after the O.A. was allowed the applicant in that case was not reinstated, she (M.A.Jessy) filed M.A.796/03 in O.A.450/01 for a direction to

reinstate her in service. The official respondents stated that as there are grounds to proceed against the applicant in that case and as a more eligible person had been appointed subject to the outcome of the O.A. it would be rather difficult to reinstate the applicant in that case. The Tribunal vide its order dated 15.1.2004 directed the respondents to reinstate the applicant then in service. However it was also stated in the order that it would be up to the official respondents to proceed against the applicant, if they choose, for any irregularities. On the basis of the direction contained in the M.A.796/03 and the judgement in O.A.450/01 the 4th respondent has issued Annexure A-1 order which reads as follows :

In pursuance of the orders by the Hon'ble Central Administrative Tribunal, Ernakulam in M.A. No.796/03 in O.A.450/01, Smt.M.A.Jessy, D/o.M.A.Antony, Mankuzhythundil House, Vytila PO is hereby reinstated as GDS MD II, Mulavukad. Accordingly the services of Shri.T.K.Sukumaran as GDS MD II, Mulavukad is terminated. This is without prejudice that the undersigned is at liberty to proceed against Smt.Jessy in accordance with the procedure laid down as per rule by holding a separate enquiry on her appointment.

2. The applicant is aggrieved by the order inasmuch as he would be out of service. It is alleged in the application that as the applicant was not party to the O.A.450/01 and as he is more meritorious than the applicant in that case and as no valid reason is there for termination of his services the impugned order is liable to be set aside.

3. We have perused the application and have heard Shri.Shabu Sreedharan, learned counsel of the applicant and Shri.K.Kesavankutty,ACGSC on behalf of the respondents. We do not find any legitimate grievance of the applicant which calls

for admission of this application. In the very order by which the applicant was appointed it was made clear that the appointment was subject to the outcome of the O.A.450/01. The outcome of the O.A.450/01 was that the termination of services of the original incumbent of that post was held unsustainable and the same was set aside. The 4th respondent was obliged by the order in O.A.450/01 as also in M.A.796/03 to reinstate the applicant in O.A.450/01 in the post of GDS MD, Mulavukad on which the applicant is presently working. Since the applicant was appointed subject to the outcome of the O.A. the applicant has no legitimate grievance which calls for redressal. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

(Dated the 3rd day of March 2004)

H. P. DAS

ADMINISTRATIVE MEMBER



A. V. HARIDASAN
VICE CHAIRMAN

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