

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.174/97

Thursday, this the 20th day of February, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

N.M.Devaki,
Leave Reserve Postman,
Irinjalakuda Head Office. - Applicant

By Advocate Mr DV Radhakrishnan

Vs

1. Postmaster,
(Higher Selection Grade-I),
Irinjalakuda-680 121.
2. Superintendent of Post Offices,
Irinjalakuda Division,
Irinjalakuda-680 121.
3. Director of Postal Services,
Central Region, Kochi.
4. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram-695 033. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

The application having been heard on 20.2.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who has been working as an Extra Departmental Branch Postmaster(EDBPM), Chulur since 16.7.73 was promoted to a Group'D' post in 1989. On accepting her request she was again sent back to her post of EDBPM. While so, she

..2...



was again appointed as a Postman with effect from 11.1.96. While working as a Postman, her health deteriorated and her physical condition did not permit her to continue the job of a Postman which needs walking and climbing steps. As she is suffering from Osteoarthritis, she is under medical advise not to give strain to her legs by walking and climbing steps. Therefore she made a representation to the Chief Postmaster General praying that she may be reverted from the post and put back as EDBPM, Chulur where she has been working prior to her appointment as a Postman. This request was turned down by a cryptic order at A-6 merely stating that the "DPS has not permitted the proposal for cancellation of selection/appointment" of applicant. The respondents have taken steps to fill the vacancy of EDBPM, Chulur by inviting application for transfer of other E.D.Agents. It was under these circumstances that the applicant filed this application for having the orders at A-6 and A-8 quashed and for a direction to respondents to permit the applicant to get reverted to her parent post of EDBPM, Chulur as requested for by her in the representation dated 26.9.96.

2. When the application came up for hearing on 20.1.97, learned counsel for respondents took some time to get instructions and the case has now come up before us today for hearing on admission. The issue involved is being quite simple, learned counsel on either side agreed that the matter can be disposed of at this stage without further pleadings in the matter.

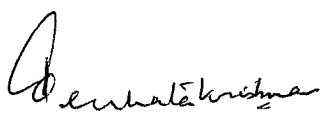
The instructions received by the learned counsel for respondents from the Department is that the applicant was once reverted in 1989 from the post of Group 'D' accepting her request and that having now posted as a Postman after ascertaining her willingness, the competent authority thought that it would not be proper to revert her again as EDBPM.

3. After hearing the learned counsel and on an anxious consideration of the facts and circumstances emerging from the application, the Annexures and what is stated by the learned counsel at the Bar, we are of the considered view that the request of the applicant for being reverted from the post of Postman and for being allowed to continue as EDBPM was made by her owing to the compelling circumstances of her illness and incapacity to perform the duties of a Postman which involves walking and climbing the steps. This request should have been sympathetically considered by the respondents and respondents should have themselves allowed the applicant to be reverted and posted as EDBPM, Chulur where she was working prior to her appointment as a Postman. As the applicant was posted as a Postman only as a temporary post, her services are liable to be terminated any time before acquiring quasi permanency. This is also a valid reason for accepting her request to be reverted and to be posted as EDBPM.

..4...

4. In the light of what is stated above, we allow this application and setting aside the impugned orders A-6 and A-8. We direct the respondents to post the applicant as Extra Departmental Branch Postmaster, Chulur reverting her from the post of Postman and to drop the proceedings initiated under the impugned order A-8. No costs.

Dated, the 20th February, 1997.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

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List of Annexures

- Annexure A6: True copy of the memo No.PF/NMD
dated 27.1.97 of the 1st respondent.
- Annexure A8: True copy of the memo No.80/21 dated
20.1.97 of the 2nd respondent.