

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.214/2001.

Tuesday, this the 27th day of February, 2001.

CORAM:

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Thomas K.A.
residing at Kadambanatt,
Athiyodi P.O.-673 527,
Kozhikode District.

Applicant

(By Advocate Shri M. Sasindran)

Vs.

1. The Superintendent of Post Office, Vadakara Division, Vadakara-673 101.
2. The Sub Divisional Inspector of Post Office, Quilandi Sub Division, Quilandi - 673 805.
3. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram.
4. Union of India, represented by Secretary to Government, Department of Posts, New Delhi.

Respondents

(By Advocate Ms. I. Sheela Devi, ACGSC)

The application having been heard on 27.2.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who has been working as Extra Departmental Mail Carrier (EDMC for short) as substitute of Mr.Kaleeth, who has now been transferred as Extra Departmental Branch Post Master (EDBPM for short), Kollanode, has filed this application for setting aside A-3 notification dated 12.2.2001 calling for the applications for appointment to the post of EDMC, Cherukkad on a provisional basis for a period of not

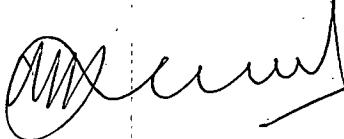
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exceeding three months. According to the applicant he should be allowed to continue till a regular appointment is made. The applicant has produced A-4 letter of the Director General of Posts where, as a one time dispensation a substitute was allowed to continue.

2. We have heard Mr. Sasindran, learned counsel of applicant and Ms. I. Sheela Devi appearing for respondents. The applicant as a substitute of Mr. Kaleeth had no privity of contract of employment with the Postal Department. His continuance as a substitute was co-terminus with holding that effecting Khaleeth. As Mr. Kaleeth himself has relinquished the office and joined another post, the applicant does not have any subsisting legal right or claim that he should be appointed on that post. A-4 letter was a special dispensation as a one time measure in the circumstances explained therein, which has no bearing to the case on hand. Since the applicant does not have a legitimate cause of action, the application cannot be entertained and therefore, the same is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 27th day of February 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

rv.

List of Annexures referred to in the order:

A-3: A true copy of the notification dated 2.2.2000 by the 2nd respondent inviting application for the post of E.D.M.C., Cherukad.

A-4: A true copy of the letter dated 29.12.2000.