

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.22 of 1998.

Thursday this the 24th day of August, 2000.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.R. Ramachandra Das,
Extra Departmental Delivery Agent,
Thiruvankulam. Applicant

(By Advocate Shri M. R. Rajendran Nair)

Vs.

1. Sub Divisional Inspector (Postal),
Tripunithura Sub-Division,
Tripunithura.

2. Union of India, represented by
Secretary to Government of India,
Department of Posts,
New Delhi.

3. Senior Superintendent of Post Offices,
Ernakulam Division,
Kochi-11. Respondents

(By Advocate Shri Varghese P. Thomas, ACGSC)

The application having been heard on 24.8.2000, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to quash A-1 and to direct the
respondents to allow him to continue in service.

2. The applicant who is working as Extra Departmental
Delivery Agent (EDDA for short) was served with A-1 order
terminating his services with effect from the date of expiry
of the period of one month from the date on which the same was

served on him or rendered to him. He says that termination of his services proposed to be effected as per A-1 is arbitrary and illegal. There is no justifiable ground for terminating his services. There is no administrative reason for his termination though stated in A-1 that it is due to administrative reasons.

3. Respondents resist the O.A. contending that in accordance with the Director General, Department of Posts, New Delhi, letter No. 19-23/97 ED TRG dated 13.11.97, the authority higher than the appointing authority has been vested with power to review and pass appropriate remedial orders in cases of irregular appointments. In this case, the appointment was found to be irregular and as such the Senior Superintendent of Post Offices reviewed the case and directed the first respondent to issue suitable notice to the applicant. The impugned order was issued by the appointing authority. Applicant has submitted a representation against A-1. The respondents were under the process of giving a speaking order after considering the representation. The applicant has approached this Tribunal before the disposal of the representation.

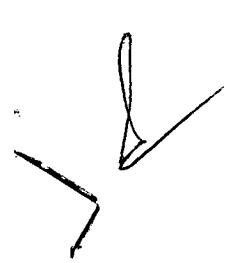
4. It is the admitted case of the respondents that in pursuance of A-1 the applicant submitted A-3 representation. According to the respondents the applicant has rushed to the Tribunal before the representation could be considered and disposed of by the authority competent. A-3 representation is dated 22.12.97. This O.A. was filed on 6.1.98.

5. The applicant is continuing as ED Agent on the strength of the interim order granted by this Bench of the Tribunal on 7.1.98.

6. Since the case of the respondents is that they did not get reasonable time to consider and dispose of the representation submitted by the applicant it is only just and proper to direct the authority concerned to consider the representation and pass appropriate orders.

7. A-1 says that opportunity is given to the applicant to submit his representation. It means that the representation is to be submitted to the authority who has issued A-1. Respondents specifically say that the Senior Superintendent of Post Offices, Ernakulam has conducted the review and on the basis of the said review A-1 order was issued. That being so, it will not be proper that the representation is considered and disposed of by the first respondent who has issued A-1. It will be proper that the representation is considered and disposed of by the Senior Superintendent of Post Offices, Ernakulam who has conducted the review and in pursuance of which A-1 came into existence.

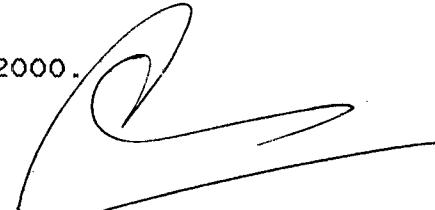
8. Accordingly, the applicant is permitted to submit a supplemental representation to the supplemental 3rd respondent within three weeks from today. The 3rd respondent shall consider, A-3 representation and the supplemental representation, if received, and pass appropriate orders as



expeditiously as possible. The services of the applicant shall not be terminated till the disposal of the representation/representations by the 3rd respondent. No costs.

Dated 24th August 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

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List of Annexures referred to in the order:

Annexure A-1: True copy of the Order No. DA/PR.Das dated 19.12.97 issued by the Ist respondent to the applicant.

Annexure A-3: True copy of the representation dated 22.12.97 submitted by the applicant to the Ist respondent.