

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 220 of 1998

Thursday, this the 8th day of November, 2001

CORAM

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. K. Jayaraghavan,
S/o K. Raghavan Nair,
Extra Departmental Branch Post Master,
Puduruthy PO,
residing at Kaippilly House,
Puduruthy.Applicant

[By Advocate Smt. Prethi Ramakrishnan for Mr. P Ramakrishnan]

Versus

1. Union of India, represented by
Director General, Department of Posts,
New Delhi.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. The Senior Superintendent of Post Offices,
Trichur Division, Trichur.
4. Sub Divisional Inspector (Postal),
Wadakkancherry, Trichur.Respondents

[By Advocate Smt. P. Vani, ACGSC]

The application having been heard on 8-11-2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN

By an order passed on 13th September, 2001 the
following questions have been referred to the Full Bench:-


- "(i) Whether the benefit of the scheme of employment assistance on compassionate grounds is available to the dependents/near relatives of ED agents discharged prematurely on medical invalidation; and



- (ii) Whether letter No.14-25/91-ED&TRG dated 29.5.92 of the Assistant Director General (Trg), Dak Bhavan, New Delhi is liable to be set aside as arbitrary and unreasonable."


2. Facts leading to the reference are few and are as under.

3. One Sri K. Raghavan Nair, father of the applicant, was employed as Extra Departmental Branch Postmaster (EDBPM for short), Puduruthy Post Office with effect from the year 1979. He developed acute asthma ailment and in the circumstances made representation on 26th June, 1995, whereby he opted for voluntary discharge and sought appointment of his son on compassionate grounds. By a communication of 4th January, 1996 (Annexure A8) issued by the Senior Superintendent of Post Offices, Trichur, father of the applicant was informed that compassionate appointment was admissible only in case of invalidation or death and that the same was not permissible as he was continuing in service. He was accordingly advised that in case he wished to get himself discharged from service on medical grounds, he should submit a specific letter to that effect for taking further necessary action. By a representation of 4th November, 1996 (Annexure A4), the applicant's father prayed for appointment of the applicant as EDBPM on regular basis. In the representation he had, inter alia, contended that he was the only bread winner of his family consisting of his wife and three children of whom two are daughters of past marriageable age. In the circumstances he prayed that his son, the applicant herein, be appointed on regular basis. The applicant in turn submitted a similar representation for appointment on regular basis vide representation of 24th November, 1997 (Annexure A5). Applicant's father was examined by the District Medical Board, Trichur and was declared permanently incapacitated for further



service of any kind in the department and was accordingly discharged from service with effect from 12th June, 1996 by A2 order dated 14.10.96. Prior to that by an order dated 12.6.96(A3), the applicant was provisionally selected and appointed as EDBPM, Puduruthy. In response to the representation made by the applicant's father on 4th November, 1996 (Annexure A4) and the one made by the applicant on 24th November, 1997 (Annexure A5), the Senior Superintendent of Post Offices, Trichur by his communication of 29th January, 1998 (Annexure A1) informed that the benefit of compassionate appointment could not be extended to the dependents of ED agents discharged from service prematurely on medical grounds and hence the request for appointment of the applicant on compassionate grounds was rejected. The aforesaid decision at Annexure A1 it appears had been issued in terms of the communication of 29th May, 1992 (Annexure A7), whereby it was inter alia communicated to all Heads of the Postal Department that it was not desirable to extend the scope of compassionate appointments to cover the dependents/near relatives of invalidated ED agents. The aforesaid orders at Annexure A1 and A7 have been impugned in the present OA.

4. ° When the present OA was taken up for consideration by the Division Bench, reliance was placed by the counsel of the respondent on a decision of a Division Bench of this Tribunal in the case of P.T. Dileepkumar vs. Union of India & Others (OA No.762/97), wherein the validity of the orders at Annexure A7 has been upheld. Since the Bench dealing with the present OA did not concur with the view taken in the aforesaid OA, the present reference has been made to the Full Bench. Hence the matter has come up before this Full Bench.



5. We have heard Smt. Preethi Ramakrishnan who appeared on behalf of the applicant and Smt. P Vani, ACGSC who appeared on behalf of the respondents.

6. Smt. Ramakrishnan has first drawn our attention to the OM issued by the Ministry of Personnel, Public Grievances and Pensions on 30th June, 1987 (Annexure A6), which deals with compassionate appointment of son/daughter/near relative of deceased Government servant-Consolidated instructions. The same, inter alia, provides as under:-

"....."

To whom applicable:

- a) To a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family.
- b) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter/near relative of Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972, or corresponding provisions in the Central Civil Regulations before attaining the age of 55 years. In case of Group 'D' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.
- c) To a son or daughter or near relative of a Government servant extension in service but not re-employment."

7. By the aforesaid memorandum the scheme of compassionate appointment is made applicable both to the kin of Government servant who dies in harness as also of Government servant retired on medical grounds.



8. Smt. Ramakrishnan has next drawn our attention to a communication of 16th December, 1991 (Annexure R2) issued by the Department of Posts to all Heads of Postal Department, which inter alia provides as under:

"....."

I am directed to state that the purpose of giving compassionate appointments to one of the eligible dependents/near relatives of the deceased/invalidated Extra-Departmental Agents is to render immediate employment assistance to the family which has been left in indigent circumstances.

.....

2. You are, therefore, requested kindly to ensure that high priority is given to the expeditious finalization of compassionate appointment cases in respect of the dependents of the deceased/invalidated Extra Departmental Agents in keeping with the provisions contained in the relevant orders.


....."

[Emphasis supplied in order to highlight the submissions advanced by Smt. Ramakrishnan]

9. By the aforesaid communication ~~to~~ the Heads of the Department, it has been instructed to pursue the scheme of compassionate appointments vigorously. The communication even goes on to the extent of providing action to be taken in case of noncompliance. Based on the aforesaid communication it is submitted by Smt. Ramakrishnan that the aforesaid instructions of the Department of Personnel of 30th June, 1987 (Annexure A6) have been virtually adopted in the Department of Posts. Smt. Ramakrishnan has further gone to point out that based on the aforesaid instructions the 3rd respondent on 4th January, 1996 (Annexure A8), in reply to the representation of the father of the applicant of 26th June, 1995, had advised him to get himself discharged from service on medical grounds in order that his representation for appointment of the applicant on regular basis would be considered. However, the very same officer, Smt. Ramakrishnan points out, had by his communication of 29th January, 1998 (Annexure A1) informed the applicant and


his father that the benefit of compassionate appointment cannot be extended to the dependents of ED Agents who are discharged from service prematurely on medical grounds. According to Smt. Ramakrishnan, it was not open to the 3rd respondent to have taken a somersault on the question at hand. According to her, instructions contained in the communication of 29th May, 1992 (Annexure A7) give no reasons why the aforesaid concession is not made applicable to the kin of the medically invalidated ED Agents. In the circumstances, she has contended that the applicant is fully justified in impugning the aforesaid order at Annexure A1 and the communication at Annexure A7 and that both the points formulated for decision have to be answered in the affirmative.

10. Smt. Vani on the other hand has submitted that ED Agents cannot be equated with Government servants. Their nature of employment is entirely distinct. Their service conditions are also different from those attached to the Government servants. Similarly ED Agents have not been conferred with retiral benefits as have been conferred upon Government servants. ED staff is governed by Service Rules for Postal ED Staff. In the circumstances, the benefit of compassionate appointment cannot be extended to ED Agents merely because the same has been extended to Government servants. ^{She has placed} ~~placed~~ reliance on a decision of the Supreme Court in the case of Life Insurance Corporation of India vs. Asha Ramchandra Ambekar (Mrs) & Another [(1994) 2 SCC 718], wherein it has, inter alia, been held that as long as there are no statutory rules or instructions for grant of compassionate appointments, the Tribunal or Courts are not justified in directing such appointments. She has placed further reliance on a decision of a Division Bench of this Tribunal in the case of P.Omanakutty vs. Union of India & Others in OA No.1488/97



decided on 6th March, 2000, wherein the aforesaid communication of 29th May, 1992 (Annexure A7) has been upheld. In the circumstances she has contended that no exception can be had either to the impugned order of 29th January, 1998 (Annexure A1) or the communication of 29th May, 1992 (Annexure A7).

11. We have considered the rival contentions advanced in this case and we find that it is undisputed that the scheme of compassionate appointment has been made applicable to Postal ED Staff. The same undisputedly is made available to the kin of the deceased ED staff. The short controversy which is required to be decided in the present reference is whether the same has been extended also to the kin of the ED staff who has been medically incapacitated and if the same has not been so extended, whether the respondents are justified in withholding the said benefit from them. In this regard, a reference to the communication of 16th December, 1991 (Annexure R2) can be usefully made. The same confers the benefit to the dependents both of the deceased as also invalidated ED Agents. We have in the earlier paragraphs reproduced the relevant portion of the instructions and the same clearly makes reference to the relatives both of the deceased as also invalidated ED Agents. In the circumstances, we are inclined to hold that the said scheme has been made applicable to both the category of dependents/near relatives of the deceased as also invalidated ED Agents. The aforesaid communication of 16th December, 1991 has been issued by Sri U.S.Puria, Assistant Director General(Trg.). The impugned communication of 29th May, 1992 (Annexure A7) has also been issued by the very same officer Sri U.S.Puria, Assistant Director General(Trg.). The aforesaid instructions of 29th May, 1992 we find do not contain any reason rather the same do not contain any cogent reason whatsoever why the aforesaid benefits have been denied to be



granted to the dependents/near relatives of invalidated ED Agents. ~~According to him,~~ He in the communication has proceeded to observe:

"Having regard to all the relevant considerations, it is felt that it would not be desirable to extend the scope for compassionate appointments to cover the dependents/near relatives of the invalidated EDAs."

12. In our judgement, the aforesaid communication accepts the position that the benefit is conferred on dependents/near relatives of the deceased ED Agents. Why the same is not similarly extended to dependents/near relatives of invalidated ED Agents has not been mentioned. As far as compassionate appointments are concerned, the same is intended to help the indigent family of the deceased or the invalidated ED Agents. The indigency of a family in either eventualities is same or at least similar. As a matter of fact, in this case, the indigency is greater as the family apart from tiding over the indigency of the members caused by the loss of income of the bread winner is also required to support and spend for the medical treatment of the invalidated parent. If the indigency of the family in either case is same or similar, we do not find any valid reason why the benefit of employment assistance on compassionate grounds is made available in one case and is denied in the other. It is evident from the impugned order Annexure A7 itself that the kins of E.D. Agents discharged on medical invalidation were being considered for grant of employment assistance on compassionate grounds. It is profitable to extract paragraph 2 of Annexure A7, which reads thus:-

"2. You will kindly observe that the contents of this office letter under reference imply that for purpose of compassionate appointment, the dependents/near relatives of invalidated ED Agents are also eligible alongwith the dependents/ near relatives of those EDAs who die in harness. This concession was not available earlier. Therefore, the question whether the dependents/near relatives of invalidated ED Agents



may continue to be considered for compassionate appointment subject to certain conditions, has been reexamined in this office. Having regard to all the relevant considerations, it is felt that it would not be desirable to extend the scope for compassionate appointments to cover the dependents/near relatives of the invalidated EDAs."

As the scheme is intended to help the families to ^{overcome} ~~survive~~ the indigency, we find no valid reason at all to ^{support the} ~~come to a~~ conclusion that it ~~was~~ not desirable to continue to extend the benefit of compassionate appointment to the dependents of ED Agents thrown into extreme indigence on loss of income of their bread winners by discharge on invalidation, ^{it is to be noted} ~~as the~~ ED Agents, on discharge do not get any pension, while the Government servants on retirement on invalid grounds are entitled to invalid pension. Although it is ~~seen~~ stated in the order that the decision was taken having regard to all the relevant considerations, We do ~~not~~ find that most relevant factors have been lost sight of and therefore the decision is irrational and arbitrary. The same in the circumstances, in our view, is liable to be struck down on this ground alone. Once the aforesaid finding is given, it follows as a matter of ^{sequence} ~~consequence~~ that the impugned order of 29th January, 1998 (Annexure A1) is also liable to be set aside.

13. For the foregoing reasons, the reference is answered as under:-

Point No.(i) Whether the benefit of the scheme of employment assistance on compassionate grounds is available to the dependents/near relatives of ED agents discharged prematurely on medical invalidation -- YES.



Point No.(ii) Whether letter No.14-25/91-ED&TRG dated 29.5.92 of the Assistant Director General (Trg), Dak Bhavan, New Delhi is liable to be set aside as arbitrary and unreasonable -- YES.

14. In view of the above findings rendered, we are of the view that the O.A. itself can be disposed of now especially when the matter is one which is required to be decided without delay. The counsel also agree.


15. The applicant in the present OA has claimed the following reliefs:

"....."

- (a) an order quashing and setting aside Annexure A-1 and A7 and all proceeding initiated pursuant to it, including steps taken to terminate the applicant's services as arbitrary and illegal.
- (b) an order declaring that the applicant is entitled to be appointed as Extra Departmental Branch Postmaster, Puduruthy on compassionate grounds.
- (c) an order directing the respondents to appoint the applicant as Extra Departmental Branch Postmaster, Puduruthy on compassionate grounds."

....."

16. In view of our aforesaid findings, the prayer clause (a) is granted. As far as the prayer clause (b) and (c) are concerned, we direct the respondents to consider the claim of the applicant for appointment as Extra Departmental Branch Postmaster on merits having regard to the facts and circumstances obtaining in his case. While considering the claim of the applicant, the respondents will be at liberty to take into consideration his suitability for appointment. A decision by the competent authority on the claim of the applicant for compassionate appointment shall be taken and



communicated as expeditiously as possible and within a period of three months from the date of communication of a copy of the order. The O.A. is disposed of accordingly without any order as to costs.

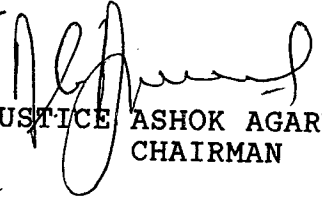
Thursday, this the 8th day of November, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN



JUSTICE ASHOK AGARWAL
CHAIRMAN

ak.

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.220/98

THURSDAY

.....THIS THE 13TH DAY OF SEPTEMBER, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.Jayaraghavan, aged 25 years
S/o K.Raghavan Nair,
Extra Departmental Branch Post Master,
Puduruthy PO,
residing at Kaippilly House,
Puduruthy.Applicant

(By Advocate Mr. P.Ramakrishnan)

V.

1. Union of India, represented by Director,
General, Department of Posts,
New Delhi.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. The Senior Superintendent of Post Offices,
Trichur Division, Trichur.
4. Sub Divisional Inspector (Postal)
Vadakkancherry, Trichur.Respondents

(By Advocate Ms.P.Vani, ACGSC)

The application having been heard on 16.8.2001, the Tribunal
on 13.9.2001 delivered the following:

O R D E R


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

The important question that arises for consideration
in this application is whether the benefit of compassionate
appointment can be extended to the dependants of ED Agents
who are discharged from service prematurely on medical
grounds and whether the letter No.14-25/91-ED&TRG dated
29.5.92 of the Assistant Director General (TRG) addressed to
all Chief Post Master Generals etc. wherein it was stated
that it would not be desirable to extend the scope of

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compassionate appointment to cover the dependants/near relatives of the invalidated EDAs (A7) is liable to be struck down as unreasonable and arbitrary.

2. The facts relevant for the purpose of this order are as follows. The applicants father Shri K.A.Raghavan Nair was Extra Departmental Branch Post Master, Paduruthy Post Office from 1979 onwards. He was an acute Asthma patient and had made a representation on 26.6.95 wherein he had opted for voluntary discharge and sought appointment of his son on compassionate grounds. The third respondent on 4.1.96 replied to Shri Raghavan Nair (A7) stating that there was no provision for allowing compassionate appointment to dependants of serving ED Agents, that compassionate appointment could be considered only in the case of invalidation or death and advising him to give a specific letter if he opted for discharge from service on medical grounds. Shri Raghavan Nair was examined by the District Medical Board, Trichur, was declared permanently incapacitated for further service of any kind in the department and was accordingly discharged from service with effect from 12.6.96. The applicant was thereafter provisionally appointed as Extra Departmental Branch Postmaster, Paduruthy with effect from 12.6.96. The applicant's father Raghavan Nair on 4.11.96 made a representation to the second respondent stating that he was discharged from service as invalidated and that on his discharge the family has become indigent and requesting that




applicant who had been working as EDBPM might be considered for appointment on compassionate grounds as Branch Post Master, Paduruthy on regular basis. The applicant also made a representation on 24.11.97 (A5). However, the requests of the applicant's father and of the applicant for award of employment assistance on compassionate grounds was turned down by the third respondent vide letter dated 29.1.98 (A1) on the ground that the benefit of compassionate appointment cannot be extended to the dependants of ED Agents who are discharged from service prematurely on medical grounds. Since the impugned order A1 has been issued on the basis of a letter of the Assistant Director General (TRG) dated 29.5.92 (A7) issued to all Chief Postmaster Generals etc. informing that it was felt that it would not be desirable to extend the scope of compassionate appointment to cover the dependants/near relatives of the invalidated ED Agents, the applicant has filed this application challenging Annexures.A1 and A7 and for a declaration that he is entitled to be appointed as Extra Departmental Branch Post Master, Paduruthy on compassionate grounds and for a direction to the respondents to appoint him so.

3. The respondents contend that the scheme for compassionate appointment which is applicable to the dependants of the Government servants dying in harness or prematurely retired on invalidation is not in its entirety applicable to the dependants of ED Agents for the reason that the conditions of appointment and service of ED Agents



are not comparable to the regular Government servants and that as the concession of compassionate appointment to the dependants of ED Agents discharged on medical grounds is not available after the issuance of the letter dated 29.5.92 (A7) which has been issued validly, the applicant is not entitled to the reliefs sought. It has further been contended that this Bench of the Tribunal in OA 762/97 having upheld the constitutional validity the order of the Government of India Department of Posts letter No.15-25/91-ED&TRG dated 29.5.92 (A7 in this case) the matter is squarely covered by the said ruling and the application is liable to be dismissed.

4. On a careful consideration of the facts and the circumstances emerging from the pleadings and the materials placed on record we are not persuaded to agree with the view that the benefit of compassionate appointment would not be available to the dependants of ED Agents discharged on medical grounds and we are of the view that the impugned order dated 29.5.92 (A7) is unsustainable as the same has been issued arbitrarily without application of mind to the relevant aspects by the competent authority. We doubt whether Annexure.A7 is an order of the competent authority deciding that the benefit of employment assistance on compassionate grounds would not be extended to dependants of ED Agents discharged on invalidation. It is profitable to extract the letter dated 29.5.92 which reads as follows:



Sir,

I am directed to invite your kind attention to this office letter of even number dated 16/19.2.1991 on the above mentioned subject.

You will kindly observe that the contents of this office letter under reference imply that for purpose of compassionate appointment, the dependents/near relatives of invalidated ED Agents are also eligible along with the dependents/near relatives of those EDAs who die in harness. This concession was not available earlier. Therefore, the question whether the dependents/near relatives of invalidated ED Agents may continue to be considered for compassionate appointment subject to certain conditions, has been reexamined in this office. Having regard to all the relevant considerations, it is felt that it would not be desirable to extend the scope for compassionate appointments to cover the dependents/near relatives of the invalidated EDAs.

The contents of this letter may kindly be brought to the notice of all concerned for information, guidance and compliance. In the extent the provisions contained in this office letter under reference are inconsistent with those contained in this letter, the same shall stand superseded.

These orders will come into effect from the date of issue and past cases already decided, need not be reopened.

Receipt of this letter may kindly be acknowledged early. (emphasis added)

Hindi version is enclosed.

Yours faithfully,
Sd/-

Asstt. Director General (Trg)"

The statement in the above letter, that the concession was not available earlier than issue of the letter dated 16/19-12-91 does not appear to be correct because in the letter dated 16.12.91 (Annexure.R2) the subject mentioned is expeditious finalisation of cases pertaining to appointment of dependants/near relatives of deceased/invalidated ED agents. Annexure.R.2 letter dated 16.12.91 does not imply

that the concession to the dependants of invalidated ED Agents was introduced for the first time by that letter. Further, what is stated in the impugned letter Annexure.A7 is "the question whether the dependents/near relatives of invalidated ED Agents may continued to be considered for compassionate appointment subject to certain conditions has been examined in this office. Having regard to all the relevant consideration it is felt that it would not be desirable to extend the scope of compassionate appointment to cover the dependents/near relatives of the invalidated ED Agents." A decision by the competent authority is not spelt out in the impugned order. However, since in paragraph 7 of this letter it has been stated that the provisions in the letter dated 16/19-12-91 to the extent it is inconsistent with what is contained in that letter would stand superseded it has become necessary to consider the legal validity of Annexure.A7. It is a common case that there is no separate scheme for employment assistance on compassionate grounds to the dependants/near relatives of deceased ED Agents and that compassionate appointments are given to the dependants of deceased ED Agents in accordance with the guidelines contained in the general scheme for compassionate appointment on Group C and Group D posts to the dependants of Government servants dying in harness or retired prematurely on invalidation. Even though ED Agents are a class by themselves and are not regular government servants the scheme for compassionate appointment has been made applicable to the dependants/near relatives of ED Agents

dying in harness. Even though death of the bread winner brings to bear on the family not only indigence but also emotional suffering, invalidation and termination of employment by discharge brings to bear on the dependant family a greater burden because in addition to suffering the loss of financial support by the bread winner of the family, the family is burdened further with the liability of maintaining the bread winner and to meet the expenses for his treatment. That precisely was the reason why the benefit of the scheme for compassionate appointment was extended to dependants of government servants retired prematurely on medical invalidation. Although in the impugned letter dated 29.5.92 it is stated that having regard to all the relevant considerations it was felt that it would not be desirable to extend the scope of compassionate appointment to the dependants/near relatives of the invalidated ED Agents, what are the relevant aspects which were considered is not discernible from the order. Even from the reply statement it is not discernible as to what was the relevant consideration which led to the decision, that it would not be desirable to extend the scope of compassionate appointment to cover the dependants of invalidated ED Agents. Since the government has decided to extend the scheme for grant of compassionate appointment to the dependants/near relatives of deceased ED Agents although ED Agents are not regular government servants, we find no justifiable reason why the benefit should be denied to the dependants of ED Agents discharged prematurely on

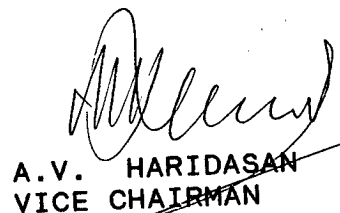
medical invalidation when they suffer a greater burden and liability of taking care of the invalidated ED Agents in addition to the loss of livelihood earlier earned by the ED Agents. We are not persuaded to agree to the view taken by a Division Bench of this Tribunal in its orders in OA 762/97 that the Government of India (Department of Posts) letter dated 29.5.92 is valid and does not suffer from any infirmity. Under these circumstances, we are of the considered view that the matter has to be placed before the Hon'ble Chairman under Section 26 of the Administrative Tribunals Act to have the issue whether the dependants/near relatives of invalidated ED Agents are entitled to the benefit of the scheme for employment assistance on compassionate grounds settled by a Larger Bench. The matter may therefore, be placed before the Hon'ble Chairman for constitution of a Larger Bench to settle the following points:

- (i) Whether the benefit of the scheme of employment assistance on compassionate grounds is available to the dependants/near relatives of ED agents discharged prematurely on medical invalidation; and
- (ii) Whether letter No.14-25/91-ED&TRG dated 29.5.92 of the Assistant Director General (Trg), Dak Bhavan, New Delhi is liable to be set aside as arbitrary and unreasonable.

Dated this the 13th day of September, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

1. Annexure A1. True copy of memo No.B2/17/Rectt/10/96 dated 29/1/98 from the 3rd respondent to the applicants' father
2. Annexure A2. True copy of Order No.BO/Puduruthy dated 14/10/96 issued by 3rd respondent
3. Annexure A3. True copy of Memo No.WS/I.BPM Puduruthy dated 12/6/96 issued by the 4th respondent
4. Annexure A4. True copy of representation dated 4/11/96 from the applicant's father to the 2nd respondent
5. Annexure A5. True copy of representation dated 24/11/96 from the applicant to the 2nd respondent
6. Annexure A6. True copy of Office Memorandum No.14014/6/86 Estt/(D) dated 30/6/87 issued by the M/o. Personnel Public Grievances & Training
7. Annexure A7. True copy of letter No.14-25/91-ED&Trg dated 29/5/92 issued by 1st respondent.
8. Annexure A8. True copy of letter dated 4/1/96 from the 3rd respondent to the applicants' father.
9. Reply statement by R 1-4)
- Annexure R1. True copy of letter No.43-87/85-pen (PEII) issued by the 1st respondent dated 10/12/86.
10. Annexure R2. True copy of the letter No.14-25/91-ED & Trg. issued by the 1st respondent dated 16/12/91.
11. Annexure R3. True copy of the letter No.14-25/91ED&TRG issued by the 1st respondent dated 29/5/92.
12. Affidavit
13. Miscellaneous application to accept documents
14. Annexure R4: True copy of the letter No.14-25/91ED&Trg issued by the Assistant Director General (Trg) Department of Post, New Delhi dated 29/5/92.
15. Annexure R5. True copy of the Judgement OA 762/97 of Central Administrative Tribunal, Ernakulam Bench dated 17/1/2000
16. Additional Reply Statement
17. Annexure R6. True copy of Memo No.BO Puduruthy dated 23/4/2001 placing the applicant under put off duty.
18. Annexure R7. True copy of memo No.BO/Puduruthy dated 25/6/2001, terminating services of the applicant.

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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.220/1998.

Monday this the 28th day of May 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.Jayaraghavan,
Extra Departmental Branch Post Master,
Puduruthy P.O. Applicant

Vs.

1. Union of India represented by
Director General,
Department of Posts,
New Delhi.
2. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. The Senior Superintendent of
Post Offices,
Trichur Division, Trichur.
4. Sub Divisional Inspector (Postal)
Wadakkancherry,
Trichur. Respondents

(By Advocate Ms. P. Vani, ACGSC)

The application having been heard on 28th May 2001
the Tribunal on the same day delivered the following:

O R D E R

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

Learned counsel of the applicant is absent. He has no
re-presented the amended O.A. It appears that the applicant is
not interested in prosecuting the matter. The application is
dismissed for default and non-prosecution.

Dated the 28th May, 2001


T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN