

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.223/03

Wednesday this the 4th day of August 2004

C O R A M :

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

S.Aneesh,  
S/o.Sivarajan,  
Gramin Dak Sevak Mail Carrier,  
Villumala BO, Kulathupuzha,  
Punalur Sub Division,  
Pathanamthitta Division.

Applicant

(By Advocate Mr.Shafik M.A.)

Versus

1. Union of India represented by  
the Director General,  
Department of Posts, New Delhi.
2. The Chief Postmaster General,  
Kerala Circle, Trivandrum.
3. The Asst. Director (Welfare & Sports)  
O/o. the Chief Postmaster General,  
Kerala Circle, Trivandrum.
4. The Sub Divisional Inspector (Postal),  
Punalur Sub Division, Pathanamthitta.

Respondents


(By Advocate Mr.George Joseph,ACGSC)

This application having been heard on 4th August 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 a volleyball player was engaged as GDS MC,  
Choozhiakode with effect from 13.5.2002. When the post was  
filled on regular basis he was again offered a posting as GDS MC,  
Villumala. While so, the applicant having been selected in the  
volleyball team representing Postal Department participated in  
the All India Civil Services Volleyball Tournament 2002-2003 from  
9.10.2002 to 13.10.2002 in New Delhi. His grievance is that the  
respondents issued Annexure A-1 notification for filling up the



post of GDS MC, Villumala on regular basis without considering him for regularisation. The applicant has, therefore, filed this application seeking the following reliefs :

1. to call for the records relating to Annexure A-1 to A-6 and to quash A-1, being illegal, arbitrary and violative of the rules relating to the subject ;
2. to declare that the applicant is entitled to continue as GDS MC, Villumala BO on the basis of his posting and is entitled to be appointed as GDS MC, Villumala BO regularly
3. to direct the respondents to consider his appointment as GDS MC Villumala BO on a regular basis before any action pursuant to Annexure A-1 is taken ;
4. to direct the respondents to consider and take a decision on Annexure A-1 & A-5 representations immediately ;
5. to issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case ;
6. to grant the costs of this Original Application.

2. The respondents contend that the applicant was engaged only on a stop-gap arrangement with no provision for regularisation of the service of the applicant and that there is no intake of sportsman in GDS service. They have also contended that although on the basis of the interim order of the Tribunal the applicant was called to report to duty, he did not join duty. The respondents contend that the applicant is not entitled to the reliefs sought.

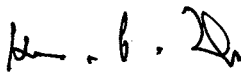
3. On a careful scrutiny of the pleadings and materials brought on record we do not find that the applicant has got a legitimate cause of action. He was only provisionally engaged and has not been appointed to the post. A provisional appointee cannot raise a grievance against the filling up of the post on a regular basis. Further, since the applicant, as stated by the

✓

respondents, has not reported for duty it appears that he is no more interested to work as GDS MC, Villumala BO.

4. In the result the application is dismissed leaving the parties to bear the costs.

(Dated the 4th day of August 2004)



H.P.DAS  
ADMINISTRATIVE MEMBER

asp



A.V.HARIDASAN  
VICE CHAIRMAN