

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.224/2001

Friday, this the 2nd day of March, 2001.

CORAM:

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

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

N.Sasindran,
residing at Thazhechalil,
(P.O.) Valliad, (via) Vadakara,
Kozhikode District, working
as EDDA, Valliad.P.O. - Applicant

By Advocate Mr C Vathsalan

Vs

1. The Union of India represented by the Secretary, Ministry of Communications, New Delhi.
2. The Postmaster General, Northern Region, Calicut.
3. The Superintendent of Post Offices, Vadakara.P.O. Vadakara, Kozhikode District.
4. The Assistant Superintendent of Post Offices, Badagara South Sub Division, Badagara, Kozhikode.
5. M.Leela,
Melath House,
(P.O.) Kottappally,
(via) Villiapally,
Kozhikode Dist. - Respondents

By Advocate Mr Shri Hari Rao, ACGSC

The application having been heard on 2.3.2001, 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 is an Extra Departmental Delivery Agent, Valliad Post Office, is aggrieved that he is not being given promotion as Extra Departmental Branch Post Master despite the occurrence of vacancy and that the 5th respondent, a provisional EDBPM, is being granted extension of and on which stands the way of the applicant getting a promotion. Therfore, the applicant has filed this application for the following reliefs:

- "i) direct the respondents 3 and 4 to consider the claim of the applicant to the post of Branch Post Master at Valliad Post Office and promote and post the applicant as Branch Post Master at Valliad Branch Post Office forthwith and with immediate effect;
- ii) direct the 3rd and 4th respondents to promote and post the applicant as Branch Post Master in any of the vacancies that exist or to arise in the next future under the respondents 3 and 4;
- iii) direct the 3rd respondent to consider and allow A-4 representation filed by the applicant before 3rd respondent with immediate effect;
- iv) direct the 3rd respondent to promote and post the applicant provisionally as Branch Post Master at Valliad Post Office or any other Branch Post Office under him pending disposal of this application;
- v) stay all further appointments of post of Branch Post Master under 3rd respondent till the consideration of A-4 representation and appointment of applicant in the post of Branch Post Master;
- vi) direct the respondents 2 to 4 consider the case of promotion of the applicant as Branch Post Master with retrospective effect on the basis of his claim as a scheduled caste member and appoint him forthwith in any of the vacancies to be found as a back log appointment."

2. After hearing the learned counsel on either side and having perused the application, we find no legitimate cause of action of the applicant which calls for admission and further deliberation of this application. The applicant is claiming promotion as EDBPM while there is no provision anywhere in the rules or instructions in regard to the appointment to ED post for promotion. The application which is misconceived is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 2nd of March, 2001.

Initials
T.N.T.NAYAR
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

trs

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

A-4: True copy of the representation submitted by the applicant before the 3rd respondent dated 4.12.2000.