

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 242/89
T.A. No.

199

DATE OF DECISION 23.4.1990

A Mikdad Applicant (s)

Mr GP Mohanachandran & 2 others Advocate for the Applicant (s)

Versus
Chief Postmaster General Respondent (s)
Kerala Circle, Trivandrum-33
and 3 others.

Mr P Santosh Kumar, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

Shri NV Krishnan, Administrative Member.

The applicant is aggrieved by the Annexure A8 order wherein the Respondent-3 has directed the Respondent-1 to repatriate the applicant to the Telecom Department, to which he belonged when he was appointed initially as Sports Coach on an ad-hoc basis, consequent upon the decision that all the Telecom Officials holding the posts of Sports Inspectors/ Sports Coaches in the Department of Posts in an ad-hoc capacity may be repatriated to their parent department.

2 Against this Annexure A8 impugned order, the applicant has submitted a representation dated 29.3.89 (Annexure A9) to Respondent-1 which is stated to be pending. He has prayed

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therein that either he be retained in the Postal Circle itself as Sports Coach or if he is to be repatriated to the Telecom Department, the post of Sports Coach held by him may also be allocated to that department.

3 The learned counsel for the applicant brought to our notice to-day letter No.8-10/88-WL/Sports dated 21.3.90 from the Ministry of Communications to all Heads of Postal Circles wherein they have been informed that the implementation of the new Recruitment Rules for Sports Inspectors/Coaches, having been raised in the last meeting of the Postal Sports Board, it has been decided to examine the representations made by the present Sports Inspectors/Coaches. They have *been* directed that till a decision thereon is taken, the present incumbents be allowed to continue in their respective posts. He, therefore, contended that in the light of this circular the respondents should be directed not to give effect to the impugned Annexure A8 order.

4 When the case came up for hearing, counsel of respondents submitted that repatriation to the parent cadre is already provided in the initial appointment order issued to the applicant on 1.7.82 (Annexure A1). It was pointed out to him that the repatriation referred to therein was on the basis of the completion of the specified tenure of four years. As against this provision in Annexure A1, the present repatriation by the impugned


Annexure A8 order is sought to be made on the ground that the applicant does not belong to the Department of Posts but belongs to the Telecom Department. The learned counsel for the respondents then submitted that in the circumstances, perhaps, Respondent-1 could be directed to dispose of the Annexure A9 representation.


5 We are of the view that the issue raised by the applicant will have to be considered by the Respondent-1 a little more carefully. We were also not clear in our mind whether after the separation of the Department of Posts and Telecom in 1985, there was also ^{an allocation} of the personnel to one of the two successor Departments, so that it could be definitely said of the applicant that he now belongs to the Telecom Department and that therefore, his repatriation from the Department of Posts is justified. The applicant has contended that in the matter of such allocation he has ~~not~~ neither been asked for his option nor given ~~given~~ any order, except that he has till now been retained in the Department of Posts. This matter has also to be considered by Respondent-1.

6 In the circumstances of the case, we are of the view that the ends of justice would be met by directing Respondent-1 to dispose of the Annexure A9 representation as expeditiously as possible keeping in view our observations as above. In doing so, we also direct him to consider the applicability of the circular dated 21.3.90 to the facts of this case.

7 Until that representation is disposed of and the applicant is given a suitable reply, the applicant shall continue in the post of Sports Coach (Volleyball) under Respondent-1 and the impugned Annexure A8 shall remain stayed.

8 The application is disposed of with the above directions.


(AV Haridasan)
Judicial Member


(NV Krishnan)
Administrative Member

23.4.1990