

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 245/2002

Friday, this the 28th day of June, 2002.

CORAM

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

Sebastian D'Souza,
S/o Francis D'Souza,
Inspection Jeep Driver,
Kasargod Postal Division,
Kasargod, residing at
Kelugudda, Kudlu Village,
Taluk Kasargod,
Ramadasnagar P.O. - 671125.

... Applicant

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

Vs

1. Superintendent of Post Offices,
Kasargod.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Director General,
Postal Department,
Dak Bhavan,
New Delhi.
4. Union of India,
rep. by its Secretary,
Ministry of Communications,
New Delhi.

... Respondents

(By Mr. P.M.M. Najeebkhan, ACGSC)

The application having been heard on 28.6.2002, the Tribunal on the same day delivered the following :

ORDER

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

The applicant who claim to have continuous service w.e.f. 23.9.1985 as Casual Driver was regularly appointed as Driver w.e.f. 28.9.1992. The applicant made representation to the 2nd respondent for reckoning his casual service as qualifying service for pension(A7). In reply to this representation by A9 communication from the office of the Postmaster General, Calicut, the applicant was told that a final decision has not been taken

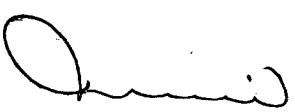
in the matter and that he would be informed when the decision is taken. Dissatisfied with the above letter, the applicant has filed this application for the following reliefs :-

- (1) Call for the records and quash Annexure A6.
- (2) Direct the respondents to appoint the applicant as a driver on regular basis with effect from the sanctioning of post of driver vide Annex. A3 with all consequential benefits.
- (3) Declare that the applicant is entitled to have his casual service prior to regular appointment counted as qualifying service to extend of half under Annexure A4 and direct the respondents to take action accordingly.
- (4) Direct the 2nd respondent to consider and pass orders on Annexure A7.
- (5) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
- (6) Award the cost of these proceedings.

2. The respondents have filed a reply statement contesting the application. When the application came up for hearing today, the learned counsel on either side agreed that the application may now be disposed of without going into the merit of the case directing the 2nd respondent to dispose of the representation of the applicant(A7) within a reasonable time.

3. In the light of what is stated above, the application is disposed of directing the 2nd respondent to consider the A7 representation of the applicant in the light of the rules and instructions on the subject and to give him an appropriate reply within a period of two months from the date of receipt of a copy of this order. No costs.

Dated the 28th June, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1: True copy of the Memo No.B1/Jeep Driver dtd.28.9.92 of the 1st respondent.
2. A-2: True copy of the statement.
3. A-3: True copy of the Memo No.2-27/88-PE.I dated 29.3.90 of the 3rd respondent.
4. A-4: True copy of the O.M.No.F.12(1)-E.V/68 dtd.14.5.68 of the Govt. of India, Ministry of Finance.
5. A-5: True copy of the representation dtd.25.9.2000 to the 1st respondent.
6. A-6: True copy of the order No.B1/Jeep Driver dtd.5.10.2000 of the 1st respondent.
7. A-7: True copy of the representation dtd.9.2.2001 to the 2nd respondent.
8. A-8: True copy of the order dtd.5.3.2001 in O.A.No.227/2001 of this Hon'ble Tribunal.
9. A-9: True copy of the letter No.Rectt/35-1/92 dtd.28.2.2002 of the Postmaster General, Northern Region, Kerala Circle, Calicut-673011.

Respondents' Annexures:

1. R-1: Photocopy of the letter No.B2/Rectt/D/87 dated 119.2.91 issued by the Superintendent of Post Office, Kasaragod Division.
2. R-2: Photocopy of the Memo No.B2/Rectt/D/87 dated 28.2.91 issued by the Superintendent of Post Offices, Kasaragod Division.

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