

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 250 of 2011
with
Miscellaneous Application 510/2011

Wednesday, this the 06th day of July, 2011

CORAM:

Hon'ble Dr.K.B.S Rajan, Judicial Member
Hon'ble Ms.K Noorjehan, Administrative Member

Lailamma.B
W/o Ramachandran
Retrenched GDSSV
T.K.M College P.O,
Kollam – 691 005
residing at
Ayathil House, Kollam

Applicant

(By Advocate – Mr.V Sajith Kumar)

V e r s u s

1. Union of India, represented by the
Secretary to the Government
Ministry of Communications,
Department of the post, Govt. of India,
New Delhi, Pin 11001
2. The Chief Post Master General
Kerala Circle, Trivandrum – 695 101
3. The Sr.Superintendent of Post Office,
Kollam Postal Division, Kollam, Pin – 691 001
4. Sr.Post Master, Kollam Head Post Office,
Kollam – 691 001
5. Inspector of Post Offices, Kollam North Sub-Division
Kollam Pin – 691 005.

Respondents

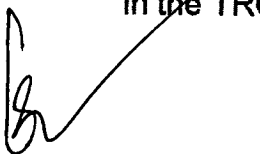
(By Advocate – Mr.George Joseph, ACGSC)

This application having been heard on 06.07.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Dr.K.B.S Rajan, Judicial Member -

1. The applicant was working as GDS SV at TKMC Post Office for 16 years. She is stated to be a Rheumatic as well as Heart patient and she is not able to walk freely because of the ailments. She has made regular representations to the second and third respondents seeking placement to the post of GDS SV or BPM near to the place of her residence and pointed out the vacant place at Kollam H.P.O (Annexure A-4 and Annexure A-5 representations).
2. On 03.03.2011 the third respondent informed the applicant that there is no justification for the post of GDS SV, Head Office at Kollam and directed the applicant to join as GDS BPM, Kizhakketheruvu. Annexure A-6 refers. As it was not feasible for the applicant to move to such a distant place, the applicant brought it to the notice of the third respondent through Annexure A-7 and while Annexure A-7 was pending, Annexure A-1 order of retrenchment was passed. The applicant had made Annexure A-8 representation requesting to accommodate her against the vacant post of GDS SV Kollam H.O or as GDS BPM Kootikkada where outsiders were stated to be working.
3. However, by order dated 22.03.11 the applicant was posted at Panyam in lower TRCA, which is about 9 kilometers from the residence of the applicant. The said order did not reflect that her TRCA earlier drawn was protected. Annexure A-9 refers. The applicant has thus challenged Annexure A-1 order dated 15.03.2011 by which she was retrenched from service and Annexure A-9 order dated 22.03.2011 by which she was directed to join as GDS BPM Panyam in the TRCA 2745-50-4245 (without any reference to pay protection).



4. The following are the relief sought by the applicant:-

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- (i) To quash Annexure A-1
 - (i)a To quash Annexure A-9
 - (ii) To declare that retrenchment order issued in Annexure A-1 relieving the applicant from the post of GDSSV, TKMC, PO, Kollam, with out orders from Circle head, abolishing that post, is with out jurisdiction and highly illegal.
 - (iii) To direct the respondents to accommodate the applicant as GDS SV, Kollam H.O or else as GDS BPM, Koottikkada with continuity of service along with consequential benefits including protection of pay.
 - (iv) In the alternative direct the respondent to accommodate the applicant GDS BPM, Panayam
 - (v) to direct the respondents to count the absence from service due to retrenchment till alternative appointment as part of duty.
 - (vi) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant, and
 - (vii) Grant the cost of this Original Application.
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5. Respondents have contested the O.A. According to them, the post of GDS SV at Kollam would not be in existence and in so far as Koottikkada is concerned, an incumbent on medical ground has already joined vide order dated 20.04.2011. As regards the protection of TRCA, vide para 6 of the counter, respondents have clearly stated that being retrenched GDS SV, the applicant would be eligible for protection of pay which would be given to the applicant.

6. Counsel for the applicant argued that her choice stations would be in the order of Kollam H.P.O, Koottikkada or Panyam and in any event, with the protection of TRCA. As such, the objection raised by the counsel for the respondents (even before the counsel for applicant presented the case) that the reliefs sought for vide para 8(i) and 8(iv) are contrary to each other has been met by the counsel for the applicant that the alternative relief is only when other



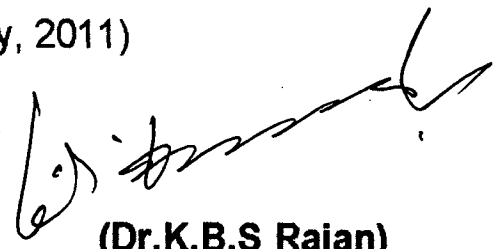
prayers could not be granted. The counsel for the respondents reiterated the contentions as contained in the reply statement.

7. We have considered the entire documents. The applicant is entitled to be redeployed as a retrenched employee and she has now been posted at Panyam with TRCA (drawn by her) protection and this appears to be appropriate in the facts and circumstances of the case. The applicant may join at the said post and her request for nearby place may be kept alive as already committed by the respondents.

8. With the above observation the Original Application is disposed of. With the disposal of the Original Application, M.A 510/11 also stands disposed of. No costs.

(Dated this the 6th day of July, 2011)


(K Noorjehan)
Administrative Member


(Dr.K.B.S Rajan)
Judicial Member

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