

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 264/94

Wednesday, this the 21st day of December, 1994

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S. P. BISWAS, ADMINISTRATIVE MEMBER

S. Harikumar
Casual Driver
Office of the Chief Postmaster General
Thiruvananthapuram

Applicant

By Advocate Mr. G. Sasidharan Chempazhanthiyil

vs.

1. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram

2. Senior Superintendent of Post Offices
North Division, Trivandrum

3. Director General, Department of Posts
New Delhi

4. Union of India represented by Secretary
Ministry of Communications, New Delhi

Respondents

By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant, a casual labourer seeks to quash A-5 (prayer (a)) by which he was granted temporary status. He seeks a further declaration that he is entitled to be regularised as a driver. We have no objection to grant first prayer, but counsel submits that the said prayer may not be granted. As for the declaration, there is not enough material to make one. The stand in the reply statement is that applicant is over aged; that in spite of the age relaxation in A1, he will not be eligible for consideration; that he does not possess the education qualification (para 6 of reply statement); that his work as a driver is unsatisfactory; that he is not maintaining vehicle properly (para 7 of reply statement); that due to his rash and negligent driving a

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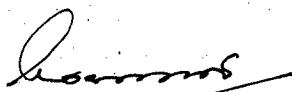
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pedestrian was injured and a compensation of Rs. 39,950/- was ordered by the Accidents Claim Tribunal.

2. We do not think that we would be justified in granting a declaration as prayed for in the exercise of our discretionary jurisdiction. If applicant seeks regularisation he may make a representation before the competent authority supporting his contentions with evidence. It will be for that authority to take a decision. We express no opinion on the merits of the case.

3. Application is disposed of as aforesaid. No costs.

Dated the 21st December, 1994.


S. P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

Kmn 211294

List of Annexures

1. Annexure-A1: True copy of OM No.49014/16/89-Estt(c) dt.16.7.90 ~~sent~~ issued by on behalf of 1st respondent.
2. Annexure-A5: True copy of Memo No.ST/200/91 dt. 31.1.94 issued on behalf of 1st respondent