

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 27 of 1995

Thursday this the 30th day of November, 1995

CORAM

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

HON'BLE MR. S.P.BISWAS, ADMINISTRATIVEMEMBER

N. Rajendran,
Part Time Gardner-cum-Scavenger,
General Post Office,
Thiruvananthapuram
now working as Group 'D' (non test
category) residing at Vayalarikathu Puthenveedu,
TC 25/343, East Thampanoor,
Thiruvananthapuram.

..... Applicant

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

1. Senior Postmaster,
General Post Office, Thiruvananthapuram.
2. Senior Superintendent of Post Offices,
North Division, Thiruvananthapuram.
3. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
4. Director General, Postal Department,
New Delhi.
5. Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.

Additional respondents impleaded vide Order in
MA 276/95

6. M.Natesan, Extra Departmental Packer,
Medical College PO, Trivandrum.
7. P.Sukumaran Nair, Extra Departmental Packer,
Avanarancheri Post Office, Trivandrum.

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Respondents

(By Advocates Mr. M.H.J. David, J ACGSC (for R1to5)
Mr. MR Rajendran Nair (for R6)

The application having been heard on 30th Nov.1995
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

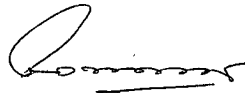
The appointment of additional respondents 6 and 7 Extra Departmental Agents, as Group 'D' employees is challenged by applicant a Part-Time Gardner-cum-Scavenger who is treated for all purposes as a casual employee by reason of A7 to A9 orders. Admittedly respondents 6 and 7 who are working in the North Division under the Senior Superintendent of Post Offices (second respondent) have been appointed by the second respondent, in a unit under the first respondent. There is no dispute among the parties that the unit under first respondent and the unit under second respondent are different units. The second respondent cannot make an appointment to an office under the first respondent. The order of appointment cannot be sustained. Whether applicant is suitable to be appointed is a matter which we do not have to decide. The entire case will be considered by third respondent Chief Post Master General and he will issue appropriate administrative instructions

to respondents 1 and 2 indicating the correct procedure within two months from today.

2. Additional Standing Counsel for Union of India undertakes to forward a copy of the original application and a copy of this order to the Chief Post Master General, for prompt action.

3. Original application is disposed of with the aforesaid directions. No costs.

Dated 30th day of November, 1995.



S.P.BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ks3011

List of Annexures

1. Annexure A7:- True copy of Lr.No.Rectt/13-1/
Rlg dated 12.10.1982 sent on
behalf of 3rd respondent
2. Annexure A8:- True copy of letter No.45-24/88-
SPB-1 dated 17.5.1989 sent on
behalf of 4th respondent
3. Annexure A9:- True copy of letter No.10-13/87-
Rates dated 23.2.1988 sent on
behalf of 4th respondent communicated
through Endt.No.ST/EK-147/1/84 dated
21.9.94.