

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 264 of 2002

Thursday, this the 18th day of April, 2002

CORAM

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. C. Joseph,
(Extra Departmental Delivery Agent),
Re-designated as Gramin Dak Sevak
Mail Deliverer, Plamoottukada Post
Office, Amaravila, Neyyattinkara.Applicant

[By Advocate Mr. Thomas Mathew]

Versus

1. Inspector - Posts,
Neyyattinkara Sub Division,
Neyyattinkara.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Union of India, represented by its
Secretary, Department of Posts,
New Delhi.Respondents

[By Advocate Mr. C. Rajendran, SCGSC]

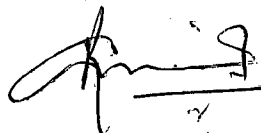
The application having been heard on 18-4-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

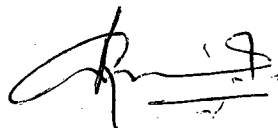
The applicant has filed this Original Application
seeking the following reliefs:-

- "(a) to call for the records leading to the issuance
of Annexure A-4 and quash the same;
- (b) to declare that the applicant is entitled to
continue as GDS Mail Deliverer, Plamoottukada
Post Office till a regular appointment is made
to the post of GDS Mail Deliverer,
Plamoottukada and direct the respondents
accordingly; and
- (c) to grant such other reliefs which this Hon'ble
Tribunal may deem fit, proper and just, in the
circumstances of the case."



2. According to the applicant, he is working with effect from 16-9-1999 as Gramin Dak Sevak Mail Deliverer (GDSMD for short) at Plamoottukada Branch Post Office under Trivandrum South Postal Division on a provisional basis against the permanent incumbent of GDSMD Plamoottukada being placed under put off duty owing to disciplinary proceedings initiated against him under Rule 8 of ED Agents (Conduct & Service) Rules, 1964. He is aggrieved by A4 notice dated 19-3-2002 issued by the 1st respondent. According to him, A4 notice was being issued for a provisional appointment and on the basis of the dictum laid down by the Hon'ble Supreme Court in State of Haryana & Others vs. Piara Singh & Others [JT 1992 (5) SC 179] that one provisional hand should not be replaced by another provisional hand, he has filed this Original Application seeking the above reliefs.

3. Heard the learned counsel for the applicant. On a careful consideration of the submissions of the learned counsel and the pleadings in this Original Application, we are of the view that the applicant does not have a subsisting cause of action. On a specific query to the applicant's counsel, he was not able to specifically say as to whether the applicant had been selected duly following the procedures laid down for the recruitment of ED Agents. In fact no appointment letter of the applicant had been produced in the Original Application. We are of the view that by A4 notice issued for recruitment on a provisional basis, the same would be giving an opportunity to the members of public who would like to apply for the post. That in turn would be in compliance with the equal opportunity provisions contained in the Constitution of India, in the matter of employment under the Union.



4. In the above view of the matter, we cannot fault the issuance of A4. Therefore, we reject this Original Application under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Thursday, this the 18th day of April, 2002



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

ak.

A P P E N D I X

1. A-1 : True copy of Charge Report assuming charge of GDS Mail Deliverer Plamoottukada on 16.9.99 by the applicant.
2. A-2 : True copy of Money Order Acknowledgement dated 18.9.99 signed by Secretary, P&T Employees Co.Operative Society Trivandrum.
3. A-3 : True copy of page 6 of Applicant's SSLC book.
4. A-4 : True copy of Notice No.GDS/P1-Kada dated 19.3.2002 issued by the 1st respondent.

npp
22.4.02