

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 279 of 1993.

DATE OF DECISION 11-3-93

M Susheela Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus  
The Superintendent of Post Offices  
Tellicherry Division, Respondent (s)  
Tellicherry and another.

Mr Joy George, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member  
and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

## JUDGEMENT

Shri A V Haridasan, J.M

The applicant, Smt. M. Susheela was provisionally appointed as EDBPM, Edavakka P.O. on 28.4.1986 when the original incumbent in that post Smt K.D. Mariam was put off duty pending a disciplinary proceedings. Consequent on the removal <sup>from</sup> service of Smt. Mariam, regular selection was held and the applicant was selected and appointed on regular basis from 22.8.89. Smt. Mariam challenged removal of her service in O.A. 80/91. That application has been allowed and the Department was directed to re-engage Smt. Mariam. But since the department did not carry out the directions contained in the judgment, Smt Mariam has filed CP(C) 15/93. In order to implement

the directions contained in the judgment in OA 80/91, the respondents have issued the impugned order dated 5.2.93 at Annexure-I informing the applicant that her services would be terminated on the expiry of 30 days from the date of receipt of that order. Aggrieved by this, the applicant has filed this application for a declaration that the proposal to terminate her services while persons junior to her are working as EDBPM under the same appointing authority <sup>is illegal</sup> and for a direction to the respondents to appoint her as EDBPM in the next arising ~~vacancy~~ vacancy, in case her services are to be terminated.


2 While admitting the application on 15.2.93, the respondents were directed to ascertain whether it would be feasible to accommodate the applicant in any existing vacancy. In the application the applicant had pointed out that there <sup>is</sup> still an existing vacancy of EDBPM at Vimalanagar P.O.


3 To-day, on behalf of the learned counsel for the respondents 1 & 2 has filed a statement indicating that the termination of services of the applicant happened to be necessary in order to comply with the directions contained in the judgment in OA 80/91. Regarding existence of vacancy at Vimalanagar, nothing has been indicated in the statement. But the learned counsel for the respondents submitted that he has <sup>been</sup> instructed the department to submit that the applicant would be

accommodated as EDBPM, if any vacancy exists presently or if not in the next arising vacancy. The learned counsel on either side agree that the application itself can be disposed of by issuing appropriate directions to the respondents in regard to appointment of the applicant in a vacancy of EDBPM which is either existing or which may arise any where in the same division under the appointing authority.

4 In the result, the application is disposed of with a direction to Respondents 1 & 2 that in case the services of the applicant is to be terminated, it should be done only in accordance with the provisions of law and that if no vacancy exists presently, she should be appointed in the next arising vacancy under the same appointing authority.

5 There will be no order as to costs.

  
(R Rangarajan)  
Administrative Member

  
(AV Haridasan)  
Judicial Member

11-3-1993