

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.298/06

Thursday this the 24 th day of January, 2008.

CORAM:

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MRS. O.P.SOSAMMA, ADMINISTRATIVE MEMBER**

Tomy Joseph,
GDSMD, Karikuzhy B.O.
Vellarada S.O. Trivandrum.
Residing at Pallakkatthu House,
Karikuzhy P.O., Vellarada Via,
Trivandrum District. Applicant

(By Advocate Shri. Sasidharan Chempazhanthiyil)

Vs.

1. Assistant Superintendent of Post Offices,
Trivandrum East Sub Division,
Trivandrum.
2. Inspector of Posts,
Neyyattinkara Sub Division,
Neyyattinkara.
3. Superintendent of Post Offices,
Trivandrum South Division,
Trivandrum – 14.
4. Union of India, represented by the
Chief Post Master General,
Kerala Circle, Trivandrum. Respondents

(By Advocate Smt. Aysha Youseff, ACGSC)

The application having been heard on 24 th January, 2008,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has submitted that he was appointed as GDSMD, Karikuzhy B.O., Vellarada S.O., Trivandrum on provisional basis w.e.f. 25.2.2005. His grievance in this O.A. is that he is being replaced by another provisional hand. Vide impugned A-5 letter dated 3.5.2006, the Ist respondent held that the applicant was an outsider and his engagement as

GDSMD from 1.4.2006 to 29.4.2006 was irregular and directed the Branch Postmaster, Karikuzhy B.O., Vellarada S.O. to disengage him from April 2006. According to the applicant, the Postmaster, Karikuzhy B.O. thereafter informed the applicant that he will not be engaged from 9.5.2006 and another outsider would be engaged as GDSMD, Karikuzhy in his place. He was also informed the applicant that the aforesaid actions were being resorted to as per the direction of the Ist respondent. The applicant has therefore, approached this Tribunal apprehending that he would be replaced by another person from outside and sought the following reliefs.

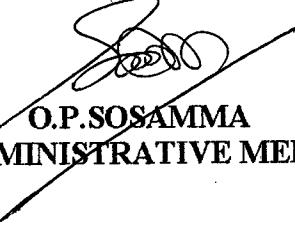
- i. Call for the records leading to the issue of Annexure A5 and set aside the same to the extent the same directs the applicant's services to be terminated and to engage another person in place of applicant to work as GDSMD Karikuzhy B.O.
- ii. Declare that the applicant is entitled to continue as GDSMD Karikuzhy, till the permanent incumbent joins duty.
- iii. Direct the respondents not to replace the applicant by another provisional appointment.
- iv. Direct the respondents to pay the applicant wages for the work the applicant discharged as GDSMD for the period from 1.4.2006 to 29.4.2006 for which the applicant has preferred claim.
- v. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
- vi. Award the cost of these proceedings.

2. The respondents in their reply submitted that the applicant was not a provisional hand but his appointment was only on stop-gap arrangement. They have also submitted that the post held by the applicant i.e GDSMD, Karikuzhy is being filled by a regular hand and the approval in this regard has already been obtained from the competent authority, viz., CPMG, vide Annexure R-2 letter dated 10.7.06.

3. In view of the aforesaid position as stated by the Respondents, counsel for applicant has fairly submitted that since his prayer was only not to replace him by another provisional hand and the respondents are taking steps to fill up the posts only on regular basis, he is not pressing for the aforesaid reliefs prayed for in the O.A.

4. In the above circumstances, the O.A. is disposed of as not pressed by the Applicant. There shall be no order as to costs.

Dated the 24 th January, 2008.


O.P. SOSAMMA
ADMINISTRATIVE MEMBER

rv


GEORGE PARACKEN
JUDICIAL MEMBER