

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.304/2007

Tuesday this the 8 th day of May 2007.

CORAM:

HON'BLE MR.JUSTICE M.RAMACHANDRAN , VICE CHAIRMAN

Ullaskumar K,
S/o Krishnan Nair,
Gramin Dak Sevak Branch Postmaster,
Perinjottakkal PO.,
Residing at Ushamandiram,
Vettoor P.O., Kumbazhamuri,
Pathanamthitta.

Applicant

(By Advocate Shri P.C.Sebastian)

Vs.

1. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram,
Pin – 695 033.
2. The Superintendent of Post Offices,
Pathanamthitta Division, Pathanamthitta.
3. Union of India, represented by
Secretary to Govt. of India,
Ministry of communications,
Department of Posts, New Delhi. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 8.5.2007
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

It appears that this application could be disposed of without issuing a formal notice and admitting the case in files. According to the applicant , he has been appointed as ED Telegram Messenger at Kumbazhamuri in 1996, on the basis of selection proceedings. However the post was abolished and he had been accommodated as GDS BPM, Perinjottikkal in 2004. He relies on Annexure A-2

letter dated 17.7.2006 issued by the M/o Communications & I.T. (Department of Posts), which according to him, helps him for a posting by transfer to a nearby station when a vacancy arise and his legitimate expectation for an accommodation at Perinjottikkal would have been fruitful as a vacancy arose there. However, at that time another person viz., Mr.M.D. George, GDS BPM, had approached this Tribunal in O.A.874/04 and have secured an order dated 10.4.2007 (A4) in his favour. This may work out to his disadvantage if permitted to be considered in isolation and he wants his case also to be noticed before a final decision forthcomes

2. Mr.TPM Ibrahim Khan, SCGSC took notice for the respondents.

3. Heard the counsel for both parties. Counsel for respondents submits that while disposing of O.A.874/04, the Department had brought to the notice of this Tribunal the claims made by Mr. Ullaskumar, the applicant herein. Ultimately, the claim of Mr. George was directed to be considered in accordance with law. Department is prepared to look into the matters without bias.

4. After hearing the counsel , I feel that it is not as if the applicant has no claims at all, notwithstanding that he had been accommodated on a higher post, on abolition of the earlier post, and also that by usual standard he may not be residing far away. According to the counsel and rightly so, while considering the eligibility and priority of persons to be accommodated at Attachakkal, they should be put in a level play field. Only because of A-4 applicant's claims are not to be given a go by. The submission of the applicant appears to be reasonable viz. an examination of his claims as well. I direct the department that, while considering the claim for accommodation at Attachakkal not only the contentions placed by

Mr. George, the applicant in O.A.874/04 should be noted, but also the submissions that have been made by the applicant as well. They are expected to take a fair and just decision. If feasible a personal hearing may be made possible to the parties concerned. No other directions are warranted.

5. The application is disposed of as above. No costs.

Dated the 8th May, 2007.


M.RAMACHANDRAN(J)
VICE CHAIRMAN

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