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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.310/05

Friday this the 6th day of May 2005

C O R A M :

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Aboobaker K.M.,
S/o.Muhammed K.M.,
Kuzhuppilly House, Pattimattom P.O. - 683 562.Applicant

(By Advocate Mr.M.Paul Varghese)

Versus

1. Assistant Superintendent of Post Offices,
Aluva Sub Division, Aluva – 683 101.
2. Senior Superintendent of Post Offices,
Aluva Division, Aluva – 683 101.
3. Post Master General, Central Region,
Kochi – 16.
4. Union of India represented by its Secretary,
Ministry of Communications, New Delhi.
5. Shri.P.Y.Baby,
GDS MD – II Pattimattom,
Pattimattom P.O. - 683 562.Respondents

(By Advocate Mr.TPM Ibrahim Khan,SCGSC)

This application having been heard on 6th May 2005 the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant as per Annexure A-3 order dated 20.12.2004 has
been selected provisionally to the post of GDS MD, Pattimattom
against a temporary vacancy and was appointed to the said post by

[Signature]

Annexure A-4 order dated 31.12.2004. Now as per Annexure A-5 order dated 26.4.2005 the incumbent Shri.P.Y.Baby is posted as GDS MD – II of Pattaimattom BO against the existing vacancy, terminating the provisional arrangement with effect from 1.5.2005. The grievance of the applicant is that despite having higher marks in SSLC and most qualified in the said post the action of the respondents in terminating the services of the applicant is highly arbitrary and unjustifiable. Therefore the applicant has filed this application seeking the following reliefs :-

1. Call for the records leading to Annexure A-5 order of the 1st respondent and quash the same, to the extent to which it terminate the services of the applicant.
2. Declare that the applicant is entitled to continue in the post of GDS Mail Distributor Pattaimattom.
3. Issue appropriate direction or order to the respondents 1 to 4 to allow the applicant to continue in the post of GDS Mail Distributor Pattaimattom.

2. When the matter came up for hearing, Shri.M.Paul Varghese appeared for the applicant and Shri.TPM Ibrahim Khan,SCGSC appeared for the respondents. Learned counsel for the respondents submitted that the applicant was a provisional hand and the incumbent Shri.P.Y.Baby who is going to replace the applicant is a regular employee and that there is no illegality in the impugned order. He further submitted that the applicant has already been relieved on 31.5.2005. Learned counsel for the applicant submitted that in the circumstances he may be permitted to make a representation to the 3rd respondent putting forward all his grievances and the 3rd respondent be directed to consider the same within a time frame.



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Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

3. In the light of what is stated above the application is disposed of permitting the applicant to make a representation to the 3rd respondent putting forward all his grievances within two weeks and directing the 3rd respondent that if such a representation is received, the same shall be considered and disposed of within a period of three months from the date of receipt of such representation. The O.A is disposed of accordingly. In the circumstances, no order as to costs.

(Dated the 6th day of May 2005)



K.V.SACHIDANANDAN
JUDICIAL MEMBER

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