

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 33 1993

DATE OF DECISION 10.2.93

V. P. Prabhakaran Nair Applicant (s)

Mr. P.R. Padmanabhan Nair Advocate for the Applicant (s)

Versus

Chief Post Master General, Kerala Circle, Thiruvananthapuram and others Respondent (s)

Mr. P.A. Mohamed, AGSAC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

## JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

M.P. 79/93 for condonation of delay, heard, allowed.

2. The applicant is at present working as Sub Post Master (HSG) in the Pampady Post Office, Changanacherry Division. He entered service as Clerk on 21.12.63 and confirmed on 1.3.66 in that grade. He passed the qualifying Examination for the next promotion and was appointed as LSG on 24.11.81. as per Annexure A-1. The applicant was not given seniority in accordance with the claim. Therefore he agitated the matter *by filing applications.* In the meanwhile, persons similarly situated have filed TA 133/85 before the Madras Bench of the Tribunal and obtained a favourable order which is produced as Annexure A-4.

In the light of the judgment, applicant filed Annexure A-5 representation dated 14.12.87 before the PMG, Kerala Circle Trivandrum. In that representation he has highlighted his grievance and prayed that he may also be given seniority and his pay be fixed on the higher post w.e.f. 25.9.79 as is given in the case of others with arrears. Since that representation was not considered and disposed of, he filed further representation before the Director General vide Annexure A-6 dated 9.2.90. That representation was also not considered and disposed of. Since these representations were not disposed of in the light of the judgment in TA No. 133/85, he has filed this application with the following reliefs:

- "i) The applicant may be posted to the post of LSG from the date of his entitlement i.e. 25.9.79 instead of 24.11.81 as his juniors were posted.
- ii) The applicant prays for all the consequential benefits including seniority in the grade with increments and arrears of salary from 25.9.79.
- iii) Any other relief which this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case."

3. At the time when the case came up for admission on 13.1.93 learned counsel for respondents took sometime for getting instruction <sup>c, b, h</sup> whether the representations are pending and the applicant can be disposed of at the admission stage itself.

4. Today, the learned counsel for respondents submitted that the representations filed by the applicant are not traceable and the application can be disposed of directing the applicant to file a fresh representation producing a copy of the judgment of the Madras Tribunal.

5. Learned counsel for applicant submitted that he will file a fresh representation with a copy of the judgment referred to above if the Tribunal directs him to do so.

6. Accordingly, we are satisfied that justice will be met in this case if we dispose of the application at the admission stage itself without ~~waitting~~ for a formal reply from the respondents.

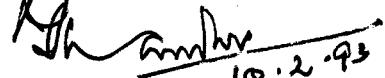
7. Having regard to the facts and circumstances of the case we direct the applicant to file a detailed representation with a copy of the judgment of the Madras Tribunal, before the first respondent. This shall be done within a period of two weeks from today. If such a representation is filed before the first respondent as directed above, he shall consider and dispose of the same in accordance with law bearing in mind the observation/direction contained in the judgment in TA 133/85. This shall be done within a period of two months from the date of receipt of the fresh representation from the applicant.

8. The application is disposed of on the above lines.

9. There shall be no order as to costs.



(R. RANGARAJAN)  
ADMINISTRATIVE MEMBER



(N. DHARMADAN) 10.2.93  
JUDICIAL MEMBER

10.2.93

kmm