

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A No.326/94

Tuesday this the 1st day of March, 1994.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.U.Alias,
Extra Departmental Delivery Agent,
Boothathankettu Branch Office,
Kothamangalam. Applicant

By Advocate Mr. Shefik M.A.

vs.

1. The Sub Divisional Inspector(Postal),
Perumbavoor Sub Division,
Perumbavoor.
2. The Senior Superintendent of Post Offices,
Aluva Division, Aluva.
3. Smt.Syamala, Extra Departmental Stamp Vendor,
Palai Head Post Office,
Palai Sub Division, Kottayam District. Respondents

By Advocate Mr.Unnikrishnan rep. SCGSC

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

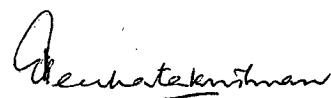
Applicant complains that her candidature for the post of Extra Departmental Branch Post Master, Boothathankettu, is not being considered by the respondents, as they hold the view that one Shyamala Kumari has to be appointed to that post.

2. Senior Central Govt. Standing Counsel appearing on notice submitted that this is being done pursuant to the directions of this Tribunal in O.A.1098/93. A Bench of this Tribunal directed the department to consider the request of the aforesaid Shyamala Kumari to the vacancy arising immediately after the judgment in Aluva Sub Division. A vacancy arose at Vettampara and that was offered to Shyamala Kumari. She was not willing to accept that. Then the respondents decided to transfer her to Boothathankettu.

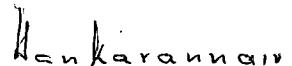
3. We do not think that the order of the Tribunal or provisions of law, require the department to give an unlimited range of choice to Shyamala Kumari. The Tribunal only directed to consider her for the vacancy arising after the judgment. She was offered a post. She declined it. No further obligation falls on the department by reason of the order in O.A.1098/93. We declare that the department will be free to make an appointment to the post of Extra Departmental Branch Post Master, Boothathankettu in accordance with law and on the basis of the merits of the respective candidates. We do not think it necessary to issue notice to Shyamala Kumari and hear her because by reason of the order of the Tribunal or otherwise she has no justiciable right for the post arising in Boothathankettu.

4. Application is disposed with the aforesaid directions. No costs.

Dated the 1st March, 1994.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN