

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.334/2004

Dated Friday this the 30th day of April, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.Jyothelekshmi  
D/o Karunakaran Achary  
G.D.S.S.V. Pallickal Sub Post Office.  
Residing at Kuttathethu House  
Menampally, Pathiyoor P.O.  
Mavelikkara.

Applicant

(By advocate Mr.V.Sajith Kumar)

Versus

1. Union of India represented by  
The Secretary to the Government  
Ministry of Communications  
Department of Posts  
  
New Delhi.
2. Superintendent of Post Offices  
Mavelikkara Postal Division  
Mavelikkara
3. Sub Divisional Inspector  
Sub Divisional Inspector of Post Offices  
Mavelikkara South Postal Sub Division  
Mavelikkara.
4. Smt.Ponnamma  
Group-D, Pallickal Sub Post Office  
Mavelikkara South Sub Division  
Mavelikkara Postal Division.
5. Bhaskaran, Group-D  
Thekkekara Sub Post Office  
on transfer to Pallickal  
Mavelikkara South Sub Division  
Mavelikkara Postal Division.

Respondents.

(By advocate Mr.K.R.Rajkumar, ACGSC)

The application having been heard on 30th April, 2004 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Applicant was by order dated 3rd July 2003 (Annexure A-3) appointed provisionally as a Gramin Dak Sevak Stamp Vendor (GDSSV), Pallickal Post Office with effect from 7th July 2003.

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While the applicant has been continuing, to her dismay, she found A-1 order issued by the 3rd respondent, by which the 4th respondent, officiating Group-D, has been repatriated and posted in her place, terminating her services. Alleging that the appointment of the applicant was after a due selection process, that it cannot be described as a provisional appointment since the appointment was not made under the conditions prescribed for making provisional appointment and that the 4th respondent officiating as a Group-D cannot be repatriated, the applicant has filed this application seeking to set aside the impugned order (Annexure A-1) to the extent it affects her.

2. Mr.K.R.Rajkumar, learned ACGSC, took notice on behalf of the respondents. The learned counsel of the respondents stated that the applicant was provisionally appointed as a Gramin Dak Sevak Stamp Vendor, Pallickal Post Office in the vacancy which arose owing to the officiating arrangement by which the incumbent in that post Ponnamma was put to officiate as a Group-D in Pallickal and that since the repatriation of Ponnamma became necessary owing to the abolition of a Group-D post in Thekekkara Post Office, the termination of the services of the applicant became unavoidable and the applicant has no valid cause of action as the appointment was only provisional.

3. On a consideration of the facts and circumstances revealed from the material brought on record, we find that the termination of the services of the applicant was unexceptionable as the applicant was provisionally appointed as GDS SV, Pallickal Post

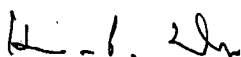
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Office when a vacancy arose there on the temporary arrangement by which Ponnamma was put to officiate as Group-D in Pallickal Post Office and such an officiating arrangement has now become not feasible.

4. We, therefore, do not find any cause of action for the applicant, which calls for admission and further deliberation of this application.

5. The application is, therefore, rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 30th April, . 2004.



H.P.DAS  
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN  
VICE CHAIRMAN