

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.347/2001

Wednesday this the 25th day of April, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Binulal S S/o P.N.Sadasivan
EDBPM, Thinkalkarikkam Branch,
PO. residing at Sivanilayam,
Thingalkarikkam PO).

...Applicant

(By Advocate Mr. C.Unnikrishnan (rep)
V.

1. The Superintendent of Post Offices,
Pathanamthitta Division,
Pathanamthitta.

2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram.

3. Union of India represented by
its Secretary to Government of India,
Ministry of Communications,
New Delhi.

...Respondents

4. Mr.B.Viswakumar,
EDDA/MC, Samnagar BO,
Kulathoopuzha,
Pathanamthitta Dist.
(Impleaded vide orders dated 25.4.2001)

(By Advocate Mr.George Joseph for R.1to3
Mr.MR Rajendran Nair for R.4)

The application having been heard on 25.4.2001, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant was provisionally selected and
appointed as EDBPM, Thingalkarikkam by order dated
25.2.2000 (A1) wherein it was clearly stated that his
appointment would be provisional and subject to the
result of the orders of the Tribunal as also the High
Court. It was made provisional because the 4th
respondent herein had filed OA 1154/99 seeking a
direction to consider his appointment by transfer and

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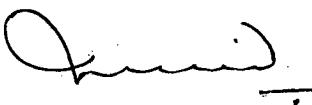
the Tribunal had granted the interim order stating that any appointment made would be provisional and subject to the outcome of the Original Application. As the OA was closed on statement made by the official respondents that the 4th respondent would be considered for transfer, the applicant herein filed OP before the High Court which was dismissed. Since the 4th respondent has been selected, the 1st respondent has issued the impugned order Annexure A3 stating that for making appointment of Mr. Viswakumar, the selected person (4th respondent herein) the applicant's services have to be terminated and he has been given an opportunity to show cause. Aggrieved by this the applicant has filed this application for a declaration that he is entitled to be considered for appointment to the vacancy of EDDA/MC, Samnagar PO giving due weightage and preference and direct the respondents to consider the candidature of the applicant for appointment to the aforesaid post giving weightage and preference before terminating his services as EDBPM, Thingalkarikkam.

2. We have heard the counsel on either side. The applicant's appointment was made provisional and subject to the outcome of the O.A. and the OP in the High Court. Since the OA was disposed of and the OP filed by him was dismissed, he has no locus standi to challenge the selection of the 4th respondent. The impugned notice has been issued to give effect to the orders of the Tribunal as also of the High Court. The fact that the applicant has made a representation for

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consideration of his appointment as EDDA/MC, Samnagar PO would not stand in the way of the selected person namely the 4th respondent being appointed. We find no cause of action of the applicant which requires consideration and adjudication. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 25th day of April, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

List of annexures referred to:

Annexure.A1: True copy of the order No.B3/Thingalkarikkam/II dated 25.2.2000 issued by the office of the Ist respondent.

Annexure.A3: True copy of the Order No.B3/BO/158/II dated 29.3.2001 issued by the Ist respondent.

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