

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 377 of 1995

Thursday this the 30th day of November, 1995

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

T.Chandraprabha,
Part Time Casual Labourer
(Contingent Sweeper)
General Post Office,
Thiruvananthapuram
residing at T.C.26/434,
Secretariat Ward, Thiruvananthapuram. ... Applicant

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

1. Senior Postmaster,
General Post Office,
Thiruvananthapuram.
2. Senior Superintendent of Post Offices,
North Division, Thiruvananthapuram.
3. Director General, Postal Directorate,
New Delhi.
4. M.Natesan, Non Test Category Group D
General Post Office, Thiruvananthapuram.
5. P.Sukumaran Nair, Non Test Category Group D
General Post Office, Thiruvananthapuram.
6. The Chief Post Master General,
Kerala Circle, Trivandrum. ... Respondents

(By Advocates Mr. James Kurien, ACGSC (R.1to3 & 6)
Mr. MR Rajendran Nair (for R4)

The application having been heard on 30th Nov.1995
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges the 'allotment' and 'appointment' of 4th and 5th respondents in the Thiruvananthapuram General Post Office. Applicant is a contingent employee, treated on par with a casual employee by reason of A-11 order. He is an aspirant for a Group 'D' post. As far as Group 'D' posts are concerned, Extra Departmental Agents have the first preference and casual employees are considered only thereafter. Respondents 4 and 5 are Extra Departmental Agents. If matters stood at that, there would have been no difficulty.

2. Appointments in question are made in the Thiruvananthapuram General Post Office, which has been held to be an independent unit by a Bench of this Tribunal in O.A. 320/89 (A6). But, respondents 4 and 5 who have been working in a different unit have been granted the 'allotment' and 'appointment' not by the authority in respect of that unit, but by the Senior Superintendent of Post Offices, North Division, Thiruvananthapuram, which is a different unit. Even assuming that an employee in one unit can be appointed in another unit, an appointment can be made only by an authority competent to make an appointment, and not by one who has no administrative control over the unit. It is the admitted case of all parties that the second respondent Senior Superintendent

of Post Offices has no manner of authority over the General Post Office, Thiruvananthapuram which is found to be a separate unit (A6). If it is without any authority and if there is a vacancy, the case of applicant will have to be considered on its own merits. We do not propose to do that. The whole issue will be examined by the Chief Post Master General and he will advise his subordinates Respondents 1 and 2 regarding the true position of administrative procedure. He will do this within two months from today.

3. Additional Standing Counsel for Union of India undertakes to forward a copy of the Original Application and a copy of this order to Chief Post Master General for prompt action.

4. Original Application is disposed of as aforesaid. No costs.

Dated 30th November, 1995.


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

ks3011

List of Annexures

1. Annexure A6: True copy of the judgement of this Hon'ble Tribunal in O.A.320/89 dated 26.4.1991.
2. Annexure A11: True copy of the order No. Rectt/27-2/94 dated 25.9.1995 issued by Chief Postmaster General, Kerala Circle, Thiruvananthapuram.