

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.380/2000

Tuesday this the 11th day of April, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P. Omanakutty,
W/o R. Padmanabhan Nair,
Extra Departmental Branch Post Master
(provisional), Thuravoor South,
residing at Thykavil House,
Thurvaoor PO, Alappuzha.

...Applicant

(By Advocate Ms. K. Indu)

vs.

1. The Union of India, represented by
the Director General,
Department of Posts,
Dak Bhavan, New Delhi.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram.
3. The Superintendent of Post Offices,
Alappuzha Division,
Alapuzha.

...Respondents

(By Advocate Mr. K.R.Rajkumar)

The application having been heard on 11.4.2000, the
Tribunal on the same day delivered the following:

O R D E R

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

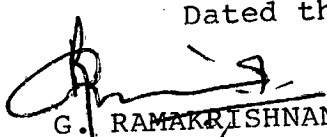
The applicant was provisionally appointed as
Extra Departmental Branch Post Master (EDBPM for short)
Thuravoor South when the services of her husband were
terminated on medical invalidation. She had made a
request for appointment to that post on compassionate
grounds which was turned down. Challenging the order
of rejection of her claim for compassionate appointment
and also against the termination of the services, the
applicant filed O.A.1488/97 which was disposed of by
order dated 6.3.2000 declining to interfere with the

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order rejecting the claim of the applicant for compassionate appointment but interfering with the order of termination. The respondents were directed to continue the applicant as a provisional ED Agent till she is replaced by a regularly selected hand or till termination of ^{her} services becomes necessary on valid administrative grounds. Now the applicant has filed this application seeking a direction to the respondents to regularise her services as Extra Departmental Branch Post Master and not to conduct any fresh selection for appointment to the post.

2. We have perused the application and have heard the learned counsel for the applicant and the respondents. We do not find any legal or legitimate cause of action of the applicant which calls for adjudication in this case. The order in O.A.1488/97 clearly delineates the rights of the applicant ie., only to continue as an ED Agent ^{provisionally} till a regular selection and appointment is made or till her services are terminated on administrative grounds. Therefore, it is very clear from the said order itself that the respondents are at liberty to make a regular selection and appointment. The applicant has no right to be regularised nor has any right to say that nobody else should be selected and appointed. The application is highly misconceived which is dismissed in limine. No costs.

Dated the 11th day of April, 2000


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

S.


A.V. HARIDASAN
VICE CHAIRMAN