CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 397/97

Wednesday the 22nd day of December, 1999.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Sudheendra Bose C.,
S/o Chellappan Pillai
Extra Departmental Delivery Agent
Kuthirakulam P.O.
Rodarikattu Kunju Veedu
Kallikadu, Mylakkara P.O..   ...Applicant.

(By advocate Mr M.R.Rajendran Nair)

Versus

1. The Senior Supdt. of Post Offices
    Trivandrum South Division

2. The Sub Divisional Inspector of Post Offices
    Nedumangad.

3. The Chief Post Master General
    Kerala Circle
    Trivandrum.   ...Respondents.

(By advocate Mr S.Radhakrishnan)

       The application having been heard on 22nd December, 1999,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

       Applicant seeks to quash Annexure A9, to declare that

he is entitled to be posted as Group D on his repatriation

from Army Postal Service and to direct the respondents to

post him as Group D and also to review the result of postman

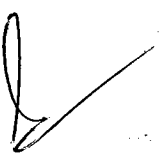tests undergone by him treating him against departmental quota.

2. While the applicant was working as EDDA at Neyyardam he

was selected for deputation to Army Postal Service. On 26.3.91,

he was temporarily appointed as Class IV at Kattakada. In

December 1991, the applicant gave a declaration agreeing to

certain conditions in connection with his temporary appointment

as Group D for the purpose of deputation. The conditions are

that the appointment as Group D is purely technical to enable

his deputation to the APS, that he will be entitled for appointment

as a regular Group D only when his turn comes as per
seniority and that is he seeks repatriation from the
Army Postal Service if at that time his turn has not
come for appointment as Group D he will be taken back in
the civil only as Extra Departmental Agent and for that
also he is prepared to wait till the next vacancy occurs.
While he was continuing as Sepoy at Army Postal Service
he was confirmed as a Group D with effect from 28.3.93.
He was permitted to take part in the postman test conducted
on 15.10.95 against departmental quota. He was considered
only against the Extra Departmental quota. This resulted in
his non-selection. The applicant got repatriated from APS
on 27.12.96. Thereafter he was posted as Extra Departmental
Delivery Agent. He submitted a representation aggrieved by
the posting as Extra Departmental Delivery Agent which was
rejected as per A-9.

3. Respondents contend that the applicant was posted as
a Group D solely for technical reasons of permitting him to
go on deputation to Army Postal Service. Confirmation of the
applicant as Group D as per A-3 order was done due to an
inadvertent mistake. The applicant was not regularly absorbed
in any Group D post in the civil and the question of confirmation
rever arose. There is nothing wrong in posting as Extra Departmental
Agent on his repatriation.

4. In the rejoinder filed by the applicant it is stated that
R3 cancels the confirmation of the applicant in Group D by
virtue of A3. The said order was not served on him.

5. The question involved herein is squarely covered by the
ruling of this Bench of the Tribunal in OA 995/97 following
the decision in OA 1175/94. In OA 1175/94 it has been
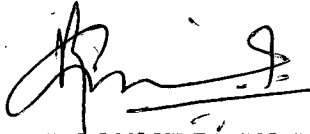held that the applicant therein cannot have a lien on

Group D post since he was not appointed to a substantive Group D post, that the appointment order produced by the applicant therein Annexure A-1 shows that he was appointed as a temporary Group D official and that such an appointment cannot confer on him lien on Group D post.
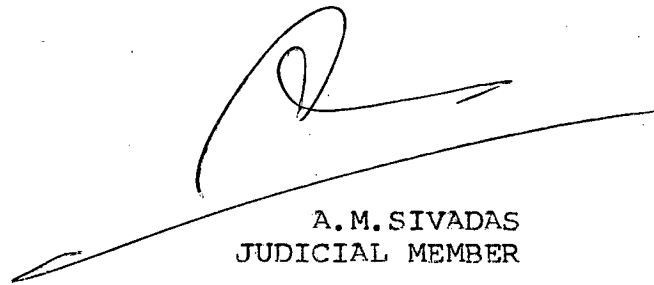
6. In the light of the dictum laid down in OA 1175/94, this OA is only to be dismissed.

7. Accordingly this OA is dismissed. No order as to costs.

Dated 22nd December, 1999.

G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER

A.M.SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-9: True copy of the order No.BIC/NDD/SDN dated 27.2.97 issued by the first respondent.

A-3: True copy of the memo No.GL/35 dated 27.10.93 issued by the second respondent.