

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 398

~~XXXXXX~~

1991

DATE OF DECISION 28 . 8 . 91

Mary Maglin

Applicant (s)

Mr. K.R.B. Kaimal

Advocate for the Applicant (s)

Versus

Union of India rep. by the Respondent (s)
Secretary to Govt., Deptt. of
Communications, New Delhi. and another

Mathews J Nedumpara, ACGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. Dharmadan, Member (Judicial)

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1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

This application has been filed as a sequence to the earlier decision of this Tribunal in OA:558/89 (Annexure-I). When the applicant approached this Tribunal attacking the disciplinary action initiated against her, we allowed the application with the following observations:

"...in the result we quash the impugned order and direct the respondents to re-instate the applicant as EDBPM in any of the vacancies under the second respondent..."

In obedience of the direction, the impugned order at Annexure-VI was passed, which reads as follows:

".....Adverting to your representations dated 15-9-90 and 17-9-90, I am to inform you that your reinstatement was ordered in compliance with the order of the CAT. If you are not

.... /

willing to accept the offer, you will have to forego the claim, and any other person will have to be posted....."

2. The applicant's complaint against the impugned order (Annexure-VI) is that this Tribunal directed the re-instatement of the applicant in any of the vacancies in and around Trivandrum city where the applicant resides and originally worked ^{but she was not reinstated in Trivan} before the filing of OA 558/89. ^{drum city.} She has also pointed out that by joining duty in obdience of the impugned order she will be forced to travel 50 KMs from Trivandrum city, one way, for discharging the duties assigned to her every day and she will be compelled to spent at least 8 hours for the journey alone. It is further submitted that the total emoluments that may be received by the applicant as remuneration is less than Rs.500/-. She has also pointed out that she can be accommodated in a vacancy of EDBPM of Beempally Branch Post Office in Trivandrum which is even now available, since we have passed an interim order on 18-4-91, directing the respondents to leave the post of EDBPM, Beempally, Trivandrum unfilled until further orders. The said vacancy admittedly, is available.

3. The respondents in the counter affidavit have taken a stand that the direction was to re-instate the applicant in any of the vacancies under the 3rd respondent and that direction has been duly complied with. The applicant cannot be posted in the existing

vacancy of Beempalli Post Office because of the
Ext. R-2(A) complaint received from the Secretary
MUSF, Manikavilkam.

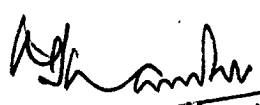
4. After hearing the arguments and perusing
the records, I am of the view that this is a simple
matter which could have been disposed of by the 2nd
respondent by considering the representations at
Annexure 3 to 5, submitted by the applicant highlighting
her grievances and difficulties. She is a low paid
employee and if she is given a posting at a place
50 KMs away from her place of residence, it would
cause hardship and inconvenience to her. It is an
admitted fact that the remuneration earned by an
EDBPM is very low and that the same is not sufficient
for the applicant to meet her expenses for the travel
and work at a far off place from Trivandrum particularly
when she is maintaining her family and permanent
residence in Trivandrum City.

5. It is submitted by the learned counsel for
the applicant that the applicant has joined Poothura
Post Office, in pursuance of the order already passed
(Axe-2 order). But her request for a transfer to

Trivandrum city is pending consideration.

6. Under these circumstances I think that the interest of justice will be met in this case if this application is disposed of with directions to the 2nd respondent, particularly when the representations at Axe. 3 to 5 are even now pending before the second respondent and that the post of EDBPM, Beempalli Post Office is vacant as per order of this Tribunal. Accordingly, I direct the 2nd respondent to dispose of the representations submitted by the applicant. While disposing of the representations at Axe. 3 to 5 the respondent-2 shall consider the claim of the applicant to be posted as EDBPM, Beempalli Post Office, Trivandrum. This shall be done by the 2nd respondent within 2 months from today. If in any case the applicant is found not suitable to be appointed as EDBPM, Beempalli Post Office, the 2nd respondent shall ^b consider to ~~giver~~ her a posting as EDBPM in any of the Post Offices in and around Trivandrum city.

7. In the result, this application is disposed of with the above directions. There will be no order as to costs.


(N. Dharmadan)
Member (Judicial)
28-8-1991

28.8.91