

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 404 of 91 ~~188~~
~~KAXXIX~~

DATE OF DECISION 30-4-92

Bella Ma-cedo Applicant (s)

Shri M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Senior Superintendent of Respondent (s)
Post Offices, Alleppey and 2 others

Shri V. Krishna Kumar, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman

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

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

N. Dharmadan, M(J)

The applicant is aggrieved by her non-selection to the post of Group-D. She has filed this case mainly for a declaration that she is entitled to be considered for appointment as Group-D Government servant with effect from the date on which any other Extra Departmental Agent (EDA for short) junior to her was appointed.

2. According to the applicant she was appointed as Extra Departmental Stamp Vendor by Annexure-I order dated 2-12-87. Under the existing rules, the appointment to the

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Group-D category to be made on the basis of seniority subject to a maximum age limit of 50 years. She submitted that if she is given the benefit of the judgment of this Tribunal, in OA 100/89 and deducted the period during which she had worked as EDA, she would come within the age limit and fully eligible and qualified for the appointment in ~~the~~ Group-D post. When one Shri K.D. Babu was deputed for training as per Annexure-II the applicant made a request for posting her in that post held by him provisionally till the completion of his training. She also submitted that Annexure-III representation stating all these aspects and her grievances. It has not been disposed of by the respondents so far. The applicant is now running 54 and if she is not given appointment as Group-D official within a year she will lose her right and it would cause injustice to her. If on the other hand she is given such an appointment she will continue upto 60. With these averments, the applicant filed this application under Sec.19 of the Administrative Tribunals Act 1985.

3. The respondents have filed a detailed reply statement denying all the averments in the application. They have also submitted that the judgment in OA 100/89 will not strictly apply to the facts of the case. But the applicant denied all the statement in the reply by filing a rejoinder. She reiterated her contentions


in the Original Application.

4. We have heard the arguments. Having heard the matter we are of the view that since the grievance⁴ of the applicant has been clearly stated in Annexure-III representation and they are covered by the decisions of this Tribunal in OA 100/89 it would be proper for the respondents to consider the same and pass final orders. It is stated that the representation at Annexure-III is still pending before the Chief Postmaster General. Under these circumstances, it may not be proper for us, at this stage, to go into the contentions raised by the applicant ^{and disposing of the same} on merit. Accordingly, we do not wish to express our opinion on the questions raised by the applicant.


5. Having regard to the facts and circumstances of the case, we feel that the interest of justice will be met in this case, if we dispose of the ^{Case 4} matter with suitable directions. Accordingly, we direct the second respondent to consider Annexure-III representation and pass appropriate orders as expeditiously as possible at any rate within a period of 2 months from the date of receipt of the copy of the ⁴ judgment. Till such a final order is passed by the second respondent on the Annexure-III representation and communicated to the applicant, the interim order already passed by the Tribunal on 27th May 1991 directing the respondent to keep one post in Group-D category vacant

will remain ⁱⁿ force.

6. The Original Application is accordingly disposed of with aforesaid directions. There will be no order as to costs.


30.4.92

(N. Dharmadan)
Member(Judicial)


30.4.92

(S.P. Mukerji)
Vice Chairman

30th April 92

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