

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00547/2019

Dated Monday the 22nd day of April Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

A.S. Thirumaran
No. 38, 7th Street
K.M. Garden, P.B. Road
Chennai – 600 012.

... Applicant

By Advocate M/s. R. Malaichamy

Vs

1. Union of India
Rep. by the Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai – 600 002.

2. The Assistant Director (Rectt)
O/o. the Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai 600 002.

3. The Postmaster General
Chennai City Region
Chennai – 600 002.

4. The Senior Superintendent of Post Offices
Chennai City North Division
Chennai – 600 008.

5. The Superintendent of Post Offices
Kanchipuram Division
Kanchipuram – 631 501.

... Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs :

"1. To call for the records of the 4th respondent pertaining to his orders made in (1) Memo No. B5/Dovetailed list/Dlgs/15 dated 25.07.2016, (2) B5/Dovetailed list/Dlgs/15 dated 11.09.2017 and (3) B5/Dovetailed list/Dlgs/15 dated 21/23.05.2018 and set aside the same, consequent to,

2. direct the respondents to absorb the applicant as GDS with all attendant benefits; and,

3. To pass such further orders as this Hon'ble Tribunal may deem fit and proper."

2. The grievance of the applicant is that the applicant whose name figured in the "dovetailed" list for appointment as GDS has now been disengaged on the ground that he failed to avail of the offer for absorption in another division as GDS and, accordingly, he forfeited his right.

3. Learned counsel for the applicant would submit that the applicant had been issued a show cause notice on why his name should not be removed from the dovetailed list to which he could not respond at the relevant time as his wife was seriously ill and consequently he was emotionally disturbed. It was in such circumstances that the applicant's name was removed from the dovetailed list by Annexure A4 communication dt. 25.07.2016.

4. The applicant made a representation for being accommodated in Kanchipuram division but it was not agreed to at the level of the 4th respondent. Annexure A7 impugned order dt. 23.05.2018 rejecting his representation for absorption had also been issued by the same authority whereas the applicant had

made a representation addressed to the 3rd respondent who is the competent authority. Accordingly, the applicant would be satisfied if the competent authority is directed to consider his representation and pass appropriate orders.

5. Mr. Su. Srinivasan, learned Sr. Central Govt. Standing Counsel taking notice for the respondents would submit that the applicant had not availed of the offer to be accommodated in another division. No person in the dovetailed list could insist on the place of absorption and, therefore, the applicant's failure to avail of the offer to be absorbed in a neighbouring division was taken as his disinclination to continue in service. As the applicant could not be allowed to choose his division, his representation was rejected by the 4th respondent. The applicant could not also insist that his representation should be considered by a higher authority as the 4th respondent was competent to dispose of his representation.

6. We have considered the matter. It is not in dispute that the applicant failed to avail of the offer to be accommodated in a neighbouring division. Further, he also failed to respond to the show cause notice albeit allegedly on grounds of serious illness of his wife for which no supporting evidence has been produced in this OA. However, since the applicant's name was originally in the dovetailed list, it is for the competent authority to consider his Annexure A6 representation dt. 25.10.2017 to see if the applicant could still be accommodated in view of the grounds submitted by him, if sufficient evidence in support thereof is produced.

7. Since the applicant submits that he could not respond to the show cause

notice due to his wife's serious illness and offers to support it with medical certificate and in his representation, he has also expressed his willingness to be accommodated in any neighbouring division, we leave it to the competent authority to see if the same could be considered sympathetically and the impugned order reviewed, granting the benefit of doubt to the applicant. We clarify that we have not expressed any opinion on merits.

8. OA is disposed of at the admission stage. No costs.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

22.04.2019

SKSI