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Chief Postmaster General Vs. Suresan.P.V

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Court : Kerala

Decided On : Jul-01-2013

Judge : Honourable Mr.Justice Thottathil B.Radhakrishnan

Appellant : Chief Postmaster General

Respondent : Suresan.P.V

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN & THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH MONDAY, THE 1ST DAY OF JULY 2013 10TH ASHADHA, 1935 OP (CAT).No. 2273 of 2013 (Z) ---------- AGAINST THE ORDER IN OA 802/2012 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH DATED 30 10-2012 ---------- PETITIONERS/RESPONDENTS: ---------- 1. CHIEF POSTMASTER GENERAL KERALA CIRCLE, THIRUVANANTHAPURAM 2 THE SUPERINTENDENT OF POST OFFICES KASARAGOD DIVISION, KASARAGOD-671121 3. THE UNION OF INDIA REP BY SECRETARY TO GOVERNMENT OF INDIA MINISTRY OF COMMUNICATIONS, DEPARTMENT OF POSTS NEW DELHI BY ADV. SRI.S.KRISHNAMOORTHY, CGC RESPONDENT/APPLICANT: ---------- SURESAN.P.V POST MAN PADNE S O, KASARAGOD-671312, R/A.ORINE PADNE POST , KASARAGOD-671312 THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 01-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: vk OP (CAT).No.

2273 of 2013 (Z) ---------- APPENDIX -------- PETITIONER(S)' EXHIBITS ---------- EXT.P1:-TRUE COPY OF THE DEPARTMENT OF POSTS(POSTAL ASSISTANTS AND SORTING ASSISTANTS)RECRUITMENT RULES 201 EXT.P2:-TRUE COPY OF THE DIRECTORATE LETTER NO 37-15/2008 SPB-1 DTD 28/7/2009 CONVEYING APPROVAL FOR FILING UP VACANCIES OF 200.& 2007 EXT.P3:-TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE IST RESPONDENT EXT.P4:-TRUE COPY OF THE OA NO 802/2012 FILED BY THE RESPONDENT EXT.P5:-TRUE COPY OF THE REPLY STATEMENT IN OA NO 802/2012 FILED BY THE PETITIONER EXT.P6:-TRUE COPY OF THE ORDER DTD 30/10/2012 IN OA 802/2012 OF THE CENTRAL ASMINISTRATIVE TRIBUNAL ,ERNAKULAM RESPONDENT(S)' EXHIBITS : nil ---------- / TRUE COPY / P.A. TO JUDGE VK THOTTATHIL B.RADHAKRISHNAN & BABU MATHEW P.JOSEPH, JJ.

..... OP(CAT) No.2273 of 2013 ..... Dated this the 1st day of July, 2013.

JUDGMENT

Thottathil B.Radhakrishnan, J.

1.Heard. 2.The Tribunal has decided only on the issue of notional service in the Postman cadre from the date of occurrence of vacancy against which the applicant before it was promoted as Postman for the purpose of counting qualifying service for appearing in the LGO examination for promotion as Postal Assistant/Sorting Assistant on 09.09.2012. The Tribunal found that such issue has to be answered in favour of the applicant, having regard to the ratio of the order which it had delivered on O.A.No.849 of 2010, which in turn was rendered following the principle that the mistake or delay on the part of the Department in not conducting the OP(CAT)2273/13 -2- periodical examinations cannot recoil on the employees. Reliance was placed on in the decisions in Nirmal Chandra Bhattacharjee v. Union of India [1991 Supp (2) SCC 363], and in State of Maharashtra v. Jaganath Adiyut Karanadiker, [1989 SCC (L&S) 417]. We do not find any legal infirmity or jurisdictional error in the impugned order of the Tribunal. This original petition, therefore, fails. In the result, this original petition is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE) (BABU MATHEW P. JOSEPH, JUDGE) jg

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