

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 426/90
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DATE OF DECISION 11-6-1990

PV Joseph & 2 others Applicant (s)

M/s CS Rajan & Thomas John Advocate for the Applicant (s)

Versus

Superintendent, Kerala Circle Respondent (s)
Stamp Depot, Ernakulam & 4 others

Mr TPM Ibrahimkhan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Shri SP Mukerji, Vice Chairman)

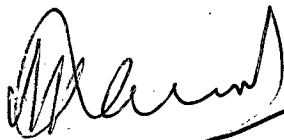
We have heard the learned counsel for the applicants and for respondents 1 to 4 on this application in which the three applicants who were working as Extra Departmental Packers have prayed that they should be considered for regular appointment to two Group'D' posts in the Kerala Circle Stamp Depot, Cochin instead of these being filled up by transferring Group'D' officials from other Divisions. The learned counsel for the respondents fairly stated that out of the 2 Group'D' posts, ^{transfer of} one post has been filled up by the/respondent No.5 under Rule-38 and against the other unfilled Group'D' post, the three applicants

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and other eligible candidates including casual labourers will be considered in accordance with the rules. The learned counsel for the applicants contended that the respondent-5 was not willing to be transferred to this Unit and his transfer cannot be deemed to be under Rule-38. The learned counsel for the applicants fairly stated that in case respondent No.5 is willing to continue as Group'D' official in Ernakulam Stamp Depot, the applicants will be satisfied if the other remaining post is filled up by considering them and other eligible candidates. In the circumstances, we close this application with the following directions:

- a) The willingness of respondent No.5 should be ascertained whether he would like to continue at Ernakulam Stamp Depot. In case he is not willing to continue here, he should be sent back to his original Group'D' post along with the unfilled post and his post also/should be filled up by considering the three applicants and other eligible candidates.
- b) If Shri TV Abraham, respondent No.5 is not willing to go back to his original post, the other Group'D' post at Ernakulam Stamp Depot should be filled up after considering the three applicants and other eligible candidates.



(AV HARIDASAN)
JUDICIAL MEMBER



(SP MUKERJI)
VICE CHAIRMAN

11-6-1990