

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Dy. No. 2541/92

O. A. No. 441/92 199  
T.A. No.

DATE OF DECISION 13-3-1992

Tony Antony Fernandaz Applicant (s)

Mr V Rajendran Advocate for the Applicant (s)

Versus

Senior Supdt. of Post Offices Respondent (s)  
Ernakulam Division, Cochin & another

Mr Mathews J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

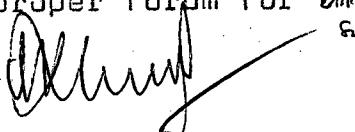
1. Whether Reporters of local papers may be allowed to see the Judgement? *W*
2. To be referred to the Reporter or not? *W*
3. Whether their Lordships wish to see the fair copy of the Judgement? *W*
4. To be circulated to all Benches of the Tribunal? *W*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The applicant who was working as Extra Departmental Mail Carrier (EDMC) at Pizhala, provisionally, has filed this application for ~~an~~ direction to respondents to consider him for regular selection as EDMC, Pizhala and to declare that he is entitled to get weightage for his provisional service. When the matter came up for hearing on admission, the learned Additional Central Government Standing Counsel, representing respondents submitted that a regular selection to the above said post has already been held and the selected candidate is to be appointed. The learned counsel also submitted that as the provisional

appointment of the applicant was only for a limited period of 45 days which is to expire today, the applicant has no right for getting regularly appointed to the post especially, when he has not offered his candidature and since his name was not sponsored by the Employment Exchange. According to the instructions of the Director General of Posts in regard to the appointment of ED Post, appointments are to be made strictly through the agency of the Employment Exchange. The applicant who has not registered his name with the Employment Exchange therefore, is not qualified for appointment as an EDA. Further, as a provisional EDA, if he had sufficiently in advance, filed an application and prayed that he should also be considered, probably, in line with the direction which this Tribunal had been giving in similar cases, we would have directed the respondents to consider the case of the applicant also for regular selection. But we find that the applicant has not even given any representation and that he has approached this Tribunal only after an interview for regular selection was held. In these circumstances, we find that the applicant has no legitimate grievance to be redressed. The application is therefore rejected under Section 19(3) of the CAT Act. The learned counsel for the applicant submitted that the applicant has made a representation to the first respondent for compassionate appointment and that the same has not been disposed of. If the representation has not been favourably considered and orders passed within a reasonable time, it is open <sup>to</sup> <sub>for</sub> the applicant to approach the proper forum for the appropriate relief.

  
( AV HARIDASAN )  
JUDICIAL MEMBER

trs

13-3-1992

  
13.  
( SP MUKERJI )  
VICE CHAIRMAN