

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.453/98

Wednesday this the 10th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

S.Kalyanasundaram Pillai,
Extra Departmental Delivery Agent,
Anad PO, Nedumangad.

...Applicant

(By advocate Mr. Thomas Mathew)

Vs.

1. Sub Divisional Inspector of Post
Offices, Nedumangad Sub Division,
Nedumangad.

2. Superintendent of Post Offices,
Trivandrum South Postal Division,
Trivandrum.

3. Union of India, represented by its
Secretary, Department of Posts,
New Delhi.

...Respondents

(By Advocate Mr. Sunil Jose, ACGSC)

The application having been heard on 10.6.98, the Tribunal
on the same day delivered the following:

O R D E R.

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant was appointed as an Extra
Departmental Delivery Agent (EDDA for short), Anad Post
Office provisionally by A.l. order dated 27.10.97 for a
period between 28.10.97 and 31.12.97 or till the regular
appointment is made, whichever is shorter. However, the
applicant was continued in service beyond 31.12.97. His
present grievance is that the respondents are taking steps
to make a selection for appointment of another provisional
hand replacing him. Therefore, the applicant has filed

this application for a declaration that he is entitled to continue as EDDA, Anad Post Office till a regular appointment is made to the post of EDDA, Anad and for a direction to the respondents that the applicant may not be replaced by another provisional appointee.

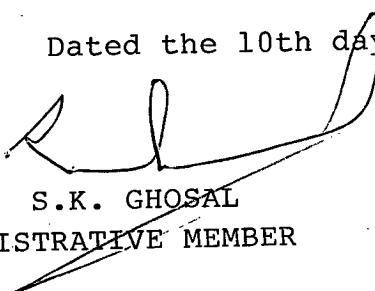
2. The respondents in their reply statement contend that the appointment of the applicant not being sponsored by the Employment Exchange was made as a stop gap arrangement pending selection from among the nominees of the Employment Exchange as is required in accordance with the instructions in regard to selection and appointment of ED Posts and that therefore, the applicant has no right to challenge a proper selection being made even for appointment on a provisional basis.

3. We have heard the learned counsel on either side. The Hon'ble Supreme Court has in State of Haryana and others Vs. Piara Singh and others JT 1992 (5) SC 179 held that a provisional appointee shall not be replaced by another provisional appointee. The appointment order issued to the applicant (A1) is tenable for the period between 28.10.97 and 31.12.97 or till regular appointment is made, whichever is shorter. Though it was mentioned so in the appointment order, the services of the applicant was extended thereafter on and off. Such extension had been upto 31.3.98. The respondents held an interview before that period on 23.3.98 with a view to select another provisional appointee to replace the applicant. This according to us is unjustified, against the terms of A.1 order and opposed to the principles laid down by the

Hon'ble Supreme Court in Piara Singh's case.

4. In the result the application is allowed. It is declared that the applicant is entitled to continue as EDDA, Anad Post Office till a regular appointment is made to that post or till the applicant is removed from service in accordance with law. We direct the respondents to allow the applicant to continue as EDDA, Anad Post Office till a regular selection and appointment is made or till his services are terminated in accordance with law. There is no order as to costs.

Dated the 10th day of June, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

Annexure A1: Memo No.EDDA/Anad dated 27.10.1997
issued by the first respondent.

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