

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 458
T. A. No.

199 2

DATE OF DECISION 22.4.92

Mathew Jose _____ Applicant (s)

Mr. K.P. Dandapani _____ Advocate for the Applicant (s)

Versus

The Station Engineer, All India Respondent (s)
Radio, Kochi, Kakkanad and others

Mr. C. Kochunni Nair, ACGSC _____ Advocate for the Respondent (s)^{1 & 2}

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? NO
2. To be referred to the Reporter or not ? NO
3. Whether their Lordships wish to see the fair copy of the Judgement ? NO
4. To be circulated to all Benches of the Tribunal ? NO

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

This matter comes for admission as a sequel to our decision in O.A. 746/90 dated 31.10.91. The applicant therein was a class-IV employee who was aggrieved by the selection of the third respondent (the present applicant) as driver in the A.I.R. We allowed that application with a declaration that eligible class IV employees of the A.I.R. have priority in the recruitment of driver and if such candidates are not available, the department could resort to obtaining names from the Employment Exchange. In this view of the matter, we quashed the selection of the third respondent (present applicant) and directed the department to take action according to rules.

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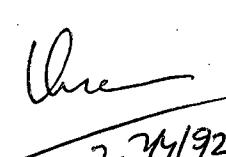
2. In the present application, the applicant seeks for a direction to the respondents 1 & 2 to consider the applicant also in the selection for recruitment to the post of driver in the A.I.R and to continue him in the present post until regular selection is made in pursuance of the direction in O.A. 746/90. Obviously, this cannot be done because we have clearly held that only class IV employees of the A.I.R. are eligible for consideration. Admittedly, the applicant is not a class-IV employee. Hence, this applicant definitely have no right for consideration.

3. However, the learned counsel for the applicant submitted that his service be not terminated in pursuance of the earlier judgment in O.A. 746/90. He requested that a direction be given to the respondents to continue him in service until final selection and appointment is made in accordance with the directions in O.A. 746/90.

4. We have heard the learned counsel for the respondents ~~who has no serious objection~~ also. We see there is some force in the plea of the learned counsel for the applicant. Accordingly, while we dismiss the application in limini, we direct respondents 1 & 2 not to disturb the applicant from the post of driver until a regularly selected candidate is appointed in the post as directed in O.A. 746/90.


(N. DHARMADAN)
JUDICIAL MEMBER

KMN


(N.V. KRISHNAN)
ADMINISTRATIVE MEMBER