

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 467/92
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DATE OF DECISION 28-5-92

K Rajan

Applicant (s)

Mr MR Rajendran Nair

Advocate for the Applicant (s)

Versus
The Sub Divisional Inspector (Postal)
Alathur Sub Division Respondent (s)
Kollangode and others.

Mr NN Sugunapalan, SC GSC

Advocate for the Respondent (s) 1, 2 & 4

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member
and

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

Sh NV Krishnan, A.M

The applicant while working as Part-time Chowkidar at Kavasseri Post Office since 1.3.1986 has been provisionally appointed as EDDA at Kazhani Branch Post Office with effect from 27.12.1991 against the vacancy caused due to promotion of the then incumbent as Postman. However, Shri Appunni, ED Messenger working at Kashani applied for a posting as EDDA at Kazhani. According to the respondents, the proposed transfer and appointment of Shri Appunni, the applicant's provisional appointment as EDDA at Kashani shall be terminated. In the circumstance, the applicant has filed this application seeking the following reliefs:

"(i) Direct the respondents to consider the applicant for selection and appointment as ED Messenger at Kavasseri P.O., giving him due weightage for his past service.

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(ii) Direct the respondents not to terminate the services of the applicant from the post of EDDA Kazhani except after providing him another ED Post."

2 In the vacancy caused by the transfer of Shri Appunni at Kavasseri Post Office, the selection was being made and as the applicant has not been considered, the aforesaid prayers have been made in this application.

3 While admitting this application, we passed an interim order directing the respondents to consider the applicant also as a candidate for selection to the post of ED Messenger, Kavasseri P.O. even though not sponsored by the Employment Exchange.

4 The learned counsel for the respondents has produced the result of the selection to-day before us and stated that on merits, the applicant has been selected as ED Messenger at Kavasseri P.O.

5 Now the only question is whether the applicant had a right to be considered for this post.

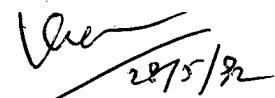
6 We have heard the parties. We are of the view that the applicant having been appointed as EDDA at Kazhani P.O. on provisional basis for a long time and having been displaced from that post only by the transfer of ED Messenger from Kavasseri Post Office, we feel that, in the interest of justice, the applicant should also be considered when selection takes place for the post of ED Messenger at Kavasseri P.O. and accordingly, we find that the applicant had a right to be considered for the selection.

7 Now that the applicant has been selected, we allow this application and direct the respondents ^{the appointment} to proceed further in the matter of ~~selection~~ in accordance with the selection ~~norms~~ results

8 The application is closed as above.



(AV Haridasan)
Judicial Member


28/5/92

(NV Krishnan)
Administrative Member

28.5.92