

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 500/1990 199
XXXXXX

DATE OF DECISION 23-10-1990

MK Soman

Applicant (s)

Mr MR Rajendran Nair

Advocate for the Applicant (s)

Versus

The Asstt. Superintendent of Respondent (s)
Post Offices, Pathanamthitta
Sub Division, Pathanamthitta. & another

Mr TPM Ibrahim Khan

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, 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 NV Krishnan, Administrative Member

The applicant initially started his employment as a substitute in the post of ED Mail Carrier, Mathur Sub-Post Office. He has alleged that with effect from 1.6.90 Shri AK Ayappan the regular incumbent was promoted and thereafter, he was working on a provisional basis. When a regular selection was being made without considering his claim, he filed this application on 26.6.1990. By an interim order dated 26.6.90, the respondents were directed to allow the applicant also to appear in the interview for regular selection.

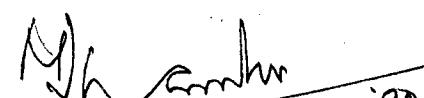
2 To-day, the learned counsel for the respondents has produced before us the results of the regular selection which indicates that only two candidates including the

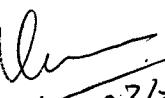
applicant have been appeared for selection and there is a tie between them.

3 The only question, therefore, to be considered is whether the applicant had a right to be considered at all. The respondent's counsel admits that, atleast from 1.6.90, the applicant was appointed on a provisional basis in place of Shri AK Ayappan. We have consistently held that a provional appointee is entitled for consideration for selection, even though his name was not sponsored by the Employment Exchange. Accordingly, the applicant ^a had/right to be considered.

4 As stated there is a tie between the two candidates in the matter of selection. We direct the 1st respondent to consider the cases of both the applicants and pass such orders as he thinks fit in accordance with the provisions of law. We also observe that we have not considered the claim of the applicant that he is entitled/ to be governed by the provisions of Chapter 5A of the ID Act.

5 The application is disposed of with the above directions and there will be no order as to costs.


(N Dharmadan) 23-10-90
Judicial Member


(NV Krishnan) 23-10-90
Administrative Member