

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
~~XXXXXX~~

517 of 1992

DATE OF DECISION 08-07-1992

N.S.Dileep

Applicant (s)

Mr.M.R.Rajendran Nair

Advocate for the Applicant (s)

Versus

Superintendent of Post Offices

Alappuzha And others Respondent (s)

Mr.P.Sankarankutty Nair,

ACGSC for R.1&2.

Advocate for the Respondent (s)

CORAM : Mr.P.S.Biju for R.3.

The Hon'ble Mr.S.P.Mukerji, Vice Chairman

and

The Hon'ble Mr.A.V.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

(Hon'ble Shri A.V.Haridasan, Judicial Member)

The applicant a candidate for the post of EDBPM, Parayakad P.O. has filed this application on 28.3.1992 under Section 19 of the Administrative Tribunals Act challenging the selection of the third respondent on the ground that the department did not give due weightage for his provisional service and the selection was made only on the basis of the marks obtained in the SSICL. This according to the applicant is unsustainable.

2. When the matter came up for further directions today, on behalf of respondents 1&2, the learned Additional Central Government Standing Counsel submitted that in review by the Director Postal Services, Central Region, Kochi, of the selection to the post in question, it was found that the selection was irregular and decision has

been taken to cancel the selection and conduct a fresh selection in accordance with law. The learned Central Govt. Standing Counsel therefore, submitted that in view of the fact that a decision has been taken to cancel the selection of the third respondent <sup>and</sup> to conduct a fresh selection, it may not be necessary for the applicant to pursue the application any further. The learned counsel for the applicant submitted that since the department has decided to conduct a fresh selection the applicant will be satisfied if respondents 1&2 are directed to consider the applicant also/accordance with law taking into account his past service in the same post. In the result without waiting for a reply statement to be filed we dispose of this application with a direction to Respondents 1&2 that while making fresh selection, the applicant's case should be considered in accordance with law with whatever weightage for which he is eligible for his past service in the post. We also make it clear that the provisional service of the applicant shall not be dispensed with otherwise than in accordance with law, <sup>and</sup> for the appointment of the regularly selected incumbent. There will be no order as to costs.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
8.7.92  
(S.P. MUKERJI)  
VICE CHAIRMAN

8.7.92

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