

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED TUESDAY THE ELEVENTH DAY OF APRIL
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI G. SREEDHARAN NAIR, JUDICIAL MEMBER

&

HON'BLE SHRI N. V. Krishnan, Administrative Member

O.A. 527/86

N. Mrinalini

Applicant

Vs.

1. The Postmaster General
Office of the Postmaster General
Kerala Circle, Trivandrum-695033
2. The Sr. Superintendent of Postoffices
Quilon Division, Quilon-691 001
3. The Sub Divisional Inspector of
Post Offices, Kottarakara Sub Division
Kottarakara-691506
4. The District Employment Officer
District Employment Office, Quilon
and
5. J. Sivani, Kalilalikathu Veedu
Neeleswaram P.O., Kottarakara

Respondents

M/s. S. A. Razaak & MPM Aslam

Counsel for the
applicant

Mr. K. Prabhakaran, ACGSC

Counsel for
Respondents 1 to 3

Mr. P. V. Mohanan

Counsel for R-5

Mr. Rajan Joseph, Sr. State Govt. Pleader

Counsel for R-4

ORDER

Hon'ble Shri G. Sreetharan Nair

In this application, the applicant who holds the
post of Extra Departmental Sub Postmaster, Neeleswaram

on a provisional basis with effect from 22.1.1986 prays for a direction to the respondents 1 to 3 not to terminate her services. It is alleged that for making regular appointment to the post nominations have been made by the Employment Exchange, the fourth respondent, but the applicant's name is not in the panel.

2. In the reply filed by the respondents 1 to 3, it is stated that in response to the request for sending nominations, the fourth respondent sent a panel of eight candidates of whom six have submitted applications for the post. It is stated that selection has not been made in view of the order of stay issued by this Tribunal.

3. It was argued by Advocate Mr. K. Prabhakaran, ACGSC that respondents 1 to 3 have taken the necessary steps in accordance with the rules relating to Extra Departmental staff for making regular appointment to the post, and only because of the order of stay issued by this Tribunal that the selection and the appointment could not be made. The respondents 1 to 3 cannot at all be faulted for taking necessary steps for filling up the post on a regular basis, for the applicant is admittedly holding the post only on a provisional basis and has no right to the post. At the same time when it is stated by the applicant that she has registered herself with the Employment Exchange, Quilon as early as in the 1976, merely because the fourth respondent has not chosen to include her name in the panel,

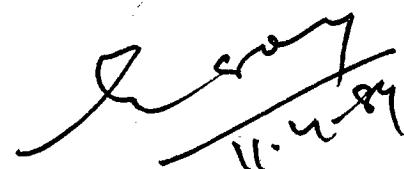
we do not think that she should be denied an opportunity to be considered for regular appointment to the post, in case she satisfies the eligibility conditions, more so because she is holding the post from January, 1986 though on a provisional basis.

4. In the circumstances, we hereby direct the respondents 1 to 3 to consider the applicant also in case she satisfies all the eligibility conditions as on June, 1986 when steps for the regular appointment were taken, along with the six candidates nominated by the fourth respondent, who have submitted applications for appointment to the post. We further direct that till the regular selection is completed and appointment made, the applicant shall not be disturbed from the post.

5. The application is allowed as above.



(N. V. Krishnan)
Administrative Member
11.4.1989



(G. Sreedharan Nair)
Judicial Member
11.4.1989

kmm