

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~F. A. No.~~

539

1992

DATE OF DECISION 28.9.92

C.K. Alex Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

The Sub Divisional Inspector, Respondent (s)
Postal, Kottarakkara

Mr. George Joseph, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
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. Dharmadan, Judicial Member

Applicant is aggrieved by Annexure-III notice calling upon him to appear before the respondents for an interview to be held on 13.4.92 for selection to the post of EDDA, Sadanandapuram Post Office.

2. According to the applicant, he is continuously working as EDDA, Sadanandapuram Post Office on a provisional basis. But he was not considered in ^{for} the regular selection held on 30.8.91. Hence, he filed O.A. 559/91 requesting that he may also be considered giving weightage to the service he has rendered in the post office. This application was heard and disposed of as per Annexure-II judgment, directing respondents to consider applicant along with other eligible candidates to the post of EDDA, even though his name was not sponsored by the Employment Exchange. It

is submitted that in pursuance of that judgment, Annexure-III impugned notice was issued by the SDPO proposing to hold a further selection to the regular post of EDDA on 13.4.92. It is at this stage that the applicant has filed this application with the following reliefs:

- "i) to declare that applicant is entitled to be regularly appointed on the basis of his qualification and experience as the post of EDDA, Sadanandapuram Post Office.
- ii) quash annexure-III and the proceedings for further interview on 13.4.92
- iii) Grant such other reliefs as may be prayed for and the Tribunal may be deem fit to grant and
- iv) Grant the cost of this O.A."

3. While admitting the application on 9.4.92, we did not grant any stay but observed that the applicant's participation in the interview to be held on 13.4.92 will be without prejudice to his rights to pursue the matter further.

4. At the time when the case came up for final hearing on the basis of the statement contained in the reply affidavit^{1/2} learned counsel for applicant submitted that the applicant was considered but one P.C. Jacob who has secured 267 marks in the SSLC was selected and he was appointed displacing the applicant.


5. Applicant has not amended the application either impleading the selected candidate or challenged^u his termination.

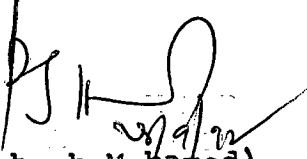
6. Learned counsel for applicant submitted that this application can be closed reserving his right for challenging his termination from service without following the procedural formalities.

7. Since applicant has not ^{impleaded u} impugned the selected person and challenged the termination, and he prefers to take legal proceedings against his termination separately, we are of the

view that the application can be closed reserving the right of the applicant to challenge the termination of the applicant in accordance with law. Accordingly, we close the application with the above observation.

8. There will be no order as to costs.


(N. Dharmadan) 28.14.92
Judicial Member


(P.S. Habeeb Mohamed)
Administrative Member

knn