

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 540 of 1991

DATE OF DECISION 1-9-1992

Mr NR Sasi Applicant (s)

Mr DV Radhakrishnan Advocate for the Applicant (s)

Versus

Sub Divisional Inspector of Post Offices, Shertallai & 3 others Respondent (s)

Mr V Ajith Narayanan, ACGSC Advocate for the Respondent (s) 1, 2&4
Mr D Sreekumar, Government Pleader for R-3

CORAM :

The Hon'ble Mr. PS HABEEB MOHAMED, ADMINISTRATIVE MEMBER

&

The Hon'ble Mr. AV HARIDASAN, 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? *~*
3. Whether their Lordships wish to see the fair copy of the Judgement? *~*
4. To be circulated to all Benches of the Tribunal? *~*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The prayers in this application, filed by the applicant who is provisionally working as E.D.Packer, Aroor are that the written test conducted on 27.5.1991 for selection and appointment to the post of E.D.Packer should be declared illegal and inoperative, that the applicant is entitled for weightage for provisional service in the matter of regular selection and that the 1st respondent may be directed to select and appoint the applicant as E.D.Packer, Aroor Sub Post Office having regard to his giving ~~and giving~~ weightage. It has been averred in the application that the Sub Divisional Inspector had conducted a written test on 27.5.1991 for selection to the post of E.D.

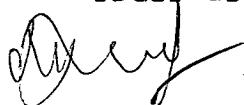
packer while holding of such a test is not prescribed in any of the instructions in regard to the selection to the post of ED Packer issued by the DG, P&T. The applicant has also averred that as a member of the Scheduled Caste, he is entitled to have preference in the matter of selection.

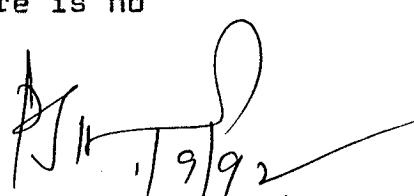
2. In the reply statement filed before the OA was amended, the respondents had indicated that the applicant is not a provisional hand but was working as a substitute only and that therefore, he is not entitled for any weightage. However, today when the matter came up for final hearing, the learned counsel for the respondents submitted that on a consideration of the averments in the application as also on a scrutiny of the selection proceedings by the authorities concerned, the department has understood that the written test was not really warranted and has therefore, taken a decision to cancel the written test and to conduct a fresh selection, considering the applicant and those candidates who were sponsored by the Employment Exchange in accordance with law and the instructions issued by the DG, P&T on the subject.

3. In view of the above statement, we are of the view that no further grievance does really subsist. But there is a point to be settled. The applicant claims weightage for his provisional service. A Larger Bench of this Tribunal has in OA 29/90 held that while making regular selection, weightage should be given for experience as provisional E.D. Agent. The respondents should bear in mind this aspect while making selection.

4. In the result, the application is disposed of with the following directions:-

The respondents shall complete the process of selection afresh considering the applicant and those candidates who have already been sponsored by the Employment Exchange, in accordance with law within a period of three months from the date of communication of this order. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(PS HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

1.9.1992