

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.541/93

Monday, this the 7th day of February, 1994.

**SHRI N DHARMADAN, MEMBER(J)**

**SHRI S KASIPANDIAN, MEMBER(A)**

Thomas,  
S/o Michael,  
ED Mail Carrier, Maryland Branch  
Post Office, Palai Postal Sub Division,  
Kottayam. - Applicant

By Advocate Mr PS Biju

Vs.

1. The Sub Divisional Inspector of Post Offices,  
Department of Posts,  
Palai Postal Sub Division,  
Kottayam. - Respondent

By Advocate Mr Mathew G Vadakkel, ACGSC

O R D E R

**N DHARMADAN, MEMBER(J)**

Applicant, while working as provisional Extra Departmental Mail Carrier, Maryland BPO, Palai Postal Sub Division, apprehending that he will not be considered in the regular selection, approached this Tribunal, mainly for a direction to consider him in the regular selection with weightage, in the light of the Full Bench decision in OA-29/90.

2. We admitted the application on 26.3.1993 and directed the respondents to consider him also provisionally along with other candidates sponsored by the Employment Exchange.

3. In the reply filed by the respondents, they have stated that the applicant was also considered in the regular selection. They further stated that the regular incumbent of the post has not resigned

from the post and the applicant is only a substitute of the regular incumbent. Hence the applicant's claim for weightage does not deserve consideration.

4. However, at this stage, we are not examining whether the applicant is continuing as a provisional hand or a substitute and he deserves weightage or not. The application can be disposed of in the light of the statement in the reply, with appropriate direction to the respondents.

5. Accordingly we dispose of the application with the direction to the respondents to declare the results of the selection and make the appointment posting the duly selected candidate in the vacant post. If the applicant is aggrieved by the selection and appointment, it goes without saying that he is at liberty to take appropriate legal action, if so advised. There shall be no order as to costs.



(S KASIPANDIAN)  
MEMBER(A)

  
7.2.94

(N DHARMADAN)  
MEMBER(J)

TRS