

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 541  
T. A. No.

1991

DATE OF DECISION 19.4.91

Mr. E. P. Unnikrishnan Applicant (s)

Mr. O V Radhakrishnan Advocate for the Applicant (s)

Versus

Sub Divisional Inspector Respondent (s)  
of Post Offices, Trichur and others

Mr. C. Kochunni Nair AGGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, 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

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is working as Extra Departmental Delivery Agent in Amala Nagar Branch Post Office. Regular selection for filling up the post is to be held shortly on the basis of the Press Note dated 28.2.91 issued by the District Employment Officer, Trichur at Ext. A-2. The applicant is aggrieved by this Press Note as it restricts the sponsorship of candidates to only those who have registered their names till 13.3.83. Further, in reply to a representation by the applicant, the District Employment Officer, the second respondent reiterated the

position, namely, as the applicant is registered with the Employment Exchange only after 13.3.83, his name could not (vide Extr. A-6 dated 18.3.91) be sponsored. A similar intimation was sent by the second respondent to the first respondent, the Appointing authority who appears to have made a query in this case. That reply is Annexure A-7. The applicant seeks to quash the impugned Annexure-2, A-6 and A-7 letters and prays that the respondents may be directed to consider him for selection for regular appointment as E.D.D.A., Amala Nagar Branch Post Office, along with other candidates who may have been sponsored by the second respondent.

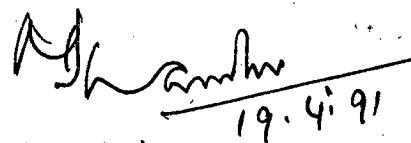
2. When the case came for admission, we observed that if it is admitted by the respondents that the applicant is still working provisionally as an EDDA in the Amala Nagar BPO, the matter can be disposed of by suitable directions.

3. Today when the case came for final hearing, a statement is filed by the counsel for the respondents admitting that the applicant is working as an EDDA, obviously on a provisional basis. It is also stated that only because he is not sponsored by the Employment Exchange he is not considered for selection.

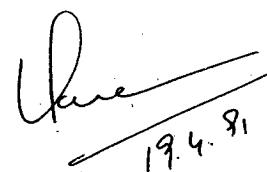
4. As it is submitted that the applicant is working provisionally as an EDDA in the same Post Office and as we repeatedly have/held in such circumstances/ the provisional incumbent also has a right to be considered when selection proceedings are even if he is not sponsored by the Employment Exchange, undertaken, we direct the respondents to consider the

applicant also though he is not sponsored by the Employment Exchange, along with other candidates sponsored by the Employment Exchange for selection of regular incumbent, in accordance with law.

5. The application is disposed of with the above directions. There will be no order as to costs.

  
19.4.91

(N. DHARMADAN)  
JUDICIAL MEMBER

  
19.4.91

(N.V. KRISHNAN)  
ADMINISTRATIVE MEMBER

KMN