

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 548

1990

DATE OF DECISION 3-6-1991

P.K. Sivan _____ Applicant (s)

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

Versus

The Sub Divisional Inspector (Postal), Perumbanvoor _____ Respondent (s)
and 3 others

Mr.K.A. Cherian 1 to 3 _____ Advocate for the Respondent (s)

Respondent No.4 appears in person

CORAM:

The Hon'ble Mr. S.P. Mukerji, Vice Chairman

The Hon'ble Mr. N.D. Dharmadan, Member (Judicial)

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

N. Dharmadan, M(J)

This application has been filed by the applicant, who is working as a provisional Extra Departmental Delivery Agent (EDDA for short), Karukadom Post Office, under section 19 of the Administrative Tribunals Act 1985 with the following reliefs:

"i) to declare that the applicant is entitled to preferential right for re-appoint as Extra Departmental Delivery Agent, Karukadom P.O. under sec. 25-H of the Industrial Disputes Act;

ii) to direct the respondent to allow the applicant to continue as EDDA, Karukadom till selection and appointment is made to the post on regular basis;

iii) to direct the respondents to consider the applicant for selection for regular appointment as EDDA, Karukadom and to appoint him on regular basis as such in terms of selection 25-H of the Industrial Disputes Act 1947;

iv) to direct the respondents to disburse to the applicant pay and allowances for the period he was kept out of duty unlawfully;

v) to grant such other relief which this hon. Tribunal may deem fit "just and proper in the circumstances of the case.."

2. At the time when the case came up for hearing, the applicant limited his prayer by stating that he may be allowed to continue in the present Post Office till the selection and appointment of a regular candidate as EDDA in that Post Office and that he should also be considered in that regular selection.

3. We have heard the learned counsel for the respondents also. The learned counsel for the applicant

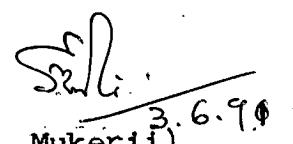
submitted that the applicant was originally appointed as a provisional EDDA in Karukadom Post Office as per Annexure A-1 Memo dated 8.3.84. Later he was sent for training as per Memo dated 30-10-84. The applicant completed the training. Subsequently he was relieved from the Post Office from 1-6-85 for accommodating a regularly selected candidate, who took charge as per Annexure-IV Memo. When the regular incumbent died a permanent vacancy arose. But the applicant was appointed as provisional EDDA on 9.4.90 in that Post Office and he is at present continuing in that post. The respondents are now taking steps for conducting a regular selection.

4. Under these circumstances, the applicant prays that he may be considered for the regular selection giving weightage for the ⁹ post service along with others who will also compete for the selection. The prayer appears to be reasonable and we are satisfied that this application can be disposed of in the interest of justice with the direction to respondents 1 and 2 to consider the case of the

applicant also along with others for the regular selection to be made for filling up the post of EDDA Karukadom Post Office. Accordingly we dispose of this application with the aforesaid directions. It goes without saying that till such a selection is made, the applicant should be allowed to continue in that Post Office as a provisional EDDA.

5. The Original Application is disposed of as above. There will be no order as to costs.


3.6.91
(N. Dharmadan)
Member (Judicial)


3.6.91
(S.P. Mukerji)
Vice Chairman

03-06-1991

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