

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

~~XX XX XX~~ DA No. 5571 / 1990
~~XX XX XX~~

DATE OF DECISION 9-7-1990

E Sasidharan **Applicant (s)**

Mr Johnson Manayani Advocate for the Applicant (s)

Versus

The Sub Divisional Inspector Respondent (s)

Mannarghat Postal Sub Division, Palghat & 3 others

Mr TPM Ibrahimkhan — Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

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The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

JUDGEMENT

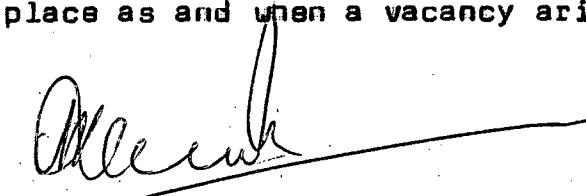
(Mr SP Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on this application in which the applicant is seeking regular appointment as Extra Department Delivery Agent at Prombra Post Office on the basis of the judgement of this Tribunal dated 21st August, 1989 in OAK-326/87(Annexure-A). Para 6 of the aforesaid judgement reads as follows:

"Under the above circumstances, this petition can only be dismissed, but we make it clear that the dismissal of this petition will not be preclude the petitioner from seeking appointment as ED Agent under the first respondent in the light of the above referred provisions on compassionate ground in any of the future vacancies of ED Agents. If the petitioner files such a petition, it may be considered and grant relief to the petitioner to the extent permissible under the above provisions".

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The learned counsel for the applicant concedes that the applicant has since been regularly appointed as E.D.Messenger at Thachampara Post Office, but the applicant is not fully satisfied by that post and would like to have a regular post of Extra Departmental Delivery Agent which carries a higher emoluments pay than that of a Messenger. The applicant, by virtue of the aforesaid judgement, has already got the benefit, and according to him and is not out of job. His plea that he should be absorbed as E.D.D.A. irrespective of his eligibility and other conditions to be satisfied for appointment, does not appeal to us. The transfer to his native place is also possible only to a comparable post of Messenger and not to a higher post of E.D.D.A. We therefore see no force in the application and dismiss the same with liberty to the applicant to seek consideration for appointment as E.D.D.A. in his native place as and when a vacancy arises, in accordance with law.



(AV HARIDASAN)
JUDICIAL MEMBER



(SP MUKERJI)
VICE CHAIRMAN

9-7-1990

trs