

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 559 of 1991
T. A. No.

DATE OF DECISION 2-3-1992

CK Alex Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Sub Divisional Inspector Respondent (s)
(Postal), Kottarakkara & 2 others

Mr Mathews J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

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

(Hon'ble Shri SP Mukerji, Vice Chairman)

We have heard the learned counsel for the parties on this application in which the applicant, on the basis of his ^{provisional} admitted/service between 26.4.1990 onwards with intermittent breaks, has prayed that his services may be declared ^{as} not liable to be terminated ^{except-} ~~only~~ in accordance with the provisions contained in Chapter V-A of the Industrial Disputes Act and that the respondents be directed to regularise and consider him for selection to the post of Extra Departmental Delivery Agent.

2. The respondents have admitted that the applicant had been working as E.D.D.A, Sadanandapuram Post Office during the

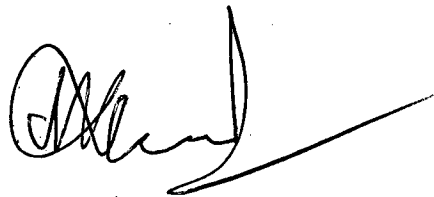
following period:

- a) 26.4.1990 to 20.7.1990 - 86 days
- b) 26.7.1990 to 15.10.1990 - 82 days
- c) 5.11.1990 to 24.1.1991 - 81 days
- d) 1.2.1991 onwards

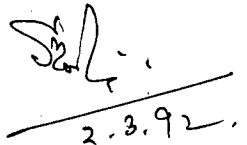
On the basis of the above figures, it is clear that the applicant has put in more than 240 days of service in a year during the period of 12 calendar months ending on 24.1.1991. Even from 1.2.1991 onwards his continuous service till date will entitle him to the benefits of Chapter V-A of the I.D.Act as he had put in more than 240 days in a calendar year. Postal Department has been considered to be an industry and the E.D.As have been considered by the Hon'ble Supreme Court to be holding civil posts. As such EDAs are 'workmen' under the I.D.Act and the benefit of Chapter V-A cannot be denied to the applicant. As regards the applicant being considered for regular selection, in conformity with the decisions taken by us in similar cases that working EDAs should also be considered for regular selection, we have no doubt that the applicant also has a claim to be considered for regular selection if he is otherwise eligible, even though his name is not sponsored by the Employment Exchange. As regards regularisation, the applicant will have to compete with other eligible candidates, to be regularly appointed against the post being held by him on ^a ~~the~~ provisional capacity at present.

3. In the facts and circumstances, we allow the application and declare that the applicant's services are not liable to be

terminated except in accordance with law. We also direct the respondents to consider the applicant along with other eligible candidates for regular appointment to the post of E.D.D.A., Sada-nandapuram Post Office even though his name is not sponsored by the Employment Exchange. It goes without saying that the respondents shall give due weightage to the applicant's experience which he has attained through provisional service in the aforesaid post. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER


2.3.92

(SP MUKERJI)
VICE CHAIRMAN

2-3-1992

trs