

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 58/2000

Monday this the 11th day of February, 2002.

CORAM

HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

Siji S. Nair
D/o Sankaranarayanan Nair
Extra Departmental Delivery Agent
Achancoil, Piravanthoor
Residing at Kidangil, Achancoil
Punalur
Pathanamthitta District.

Applicant.

[By advocate Mr.Sasidharan Chempazhanthiyil]

Versus

1. Sub Divisional Inspector of Post Offices
Punalur.
2. Chief Postmaster General
Kerala Postal Circle
Thiruvananthapuram.
3. Union of India represented by its
Secretary
Ministry of Communications
New Delhi.

Respondents

[By advocate Mr.T.A.Unnikrishnan, ACGSC]

The application having been heard on 11th February, 2002,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant who is working as Extra Departmental Delivery Agent, Achancoil with effect from 1.4.99 has filed this Original Application seeking the following reliefs:

- (a) Declare that the applicant is entitled to continue as provisional hand till an appointment is made to the post of EDDA, Achancoil on regular basis and direct the 1st respondent to permit the applicant to continue as EDDA till recruitment on regular basis is made.
- (b) Direct the 1st respondent to permit the applicant to continue as EDDA, Achancoil till the service of the permanent incumbent are terminated in accordance with the rules.

(c) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(d) Award the cost of the case.

2. According to the applicant's averments in the OA, her father was a permanent incumbent of the post of EDDA, Achancoil and he was working as EDDA for more than 25 years till 16.3.99 when he was found missing. According to her, on that day he went for delivery of letters but never returned. His disappearance was reported to the police as a case of man-missing. Despite efforts by the police and also by his relatives he could not be traced out so far. The applicant was appointed to work as EDDA provisionally in his place by A-1 order. No departmental action was taken to terminate the service of M.R.Sankaranarayanan, the father of the applicant on account of absence from duty so far and the applicant was continuing as EDDA. In the meanwhile, the 1st respondent initiated action to make a provisional selection for the post of EDDA, Achancoil. On the basis of a representation, she was also called for interview by the first respondent on 10.1.2000 by A-3 memo dated 28.12.99. According to her, she sent several representations to the 1st respondent requesting for continuance till a regular selection was made. Claiming that the selection now made by the first respondent was for a provisional appointment and she was already working as provisional appointee and replacing one provisional appointee by another provisional hand was illegal and opposed to the decision of the Supreme Court in Piara Singh Vs. State of Haryana, she filed this OA seeking the above reliefs.



3. Respondents filed reply statement resisting the claim of the applicant. According to them, the applicant's engagement as EDDA was only as a stop gap arrangement and that in order to make a regular selection, an interview was held in which the applicant also participated.

4. Applicant filed rejoinder reiterating the points made in the OA. It was stated therein that the wages of the father of applicant was the only means of livelihood for the family. A-4 was the copy of the representation sent to the first respondent. Another representation was sent to the Superintendent of Post Offices, Pathanamthitta on 20.11.99 and on the same day A-5 representation was sent to the Post Master General, Kerala Circle, Thiruvananthapuram. It was also stated in the rejoinder that attempting to make a recruitment for a provisional appointment in place of her father when her application for compassionate appointment was pending was illegal.

5. Today when the OA came up for consideration, learned counsel for the applicant submitted that she would be satisfied if A-4 representation along with a supplemental representation to be submitted by the applicant within 3 weeks from today are directed to be considered by the respondents. According to her, first respondent has to forward the representations submitted by her through proper channel to the Circle Relaxation Committee which is to consider the case of the applicant for appointment on compassionate grounds. Pending disposal of the representations, he prayed that the interim order passed in the OA may be allowed to continue.



6. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

7. In the light of the above submissions, this Original Application is disposed of permitting the applicant to submit a supplemental representation as above within three weeks from today and directing the respondents to consider the A-4 representation and the supplemental representation in accordance with the extant rules and orders within a period of four months from the date of receipt of a copy of this order. Till representations are considered and appropriate orders passed by the competent authority, status quo of the applicant as on date as regards her employment shall be maintained. No costs.

Dated 11th February, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa. A P P E N D I X
Applicant's Annexures:

1. A-1 : True copy of the appointment order No.EDDA/A.Covil/98-99 dated 30.3.99 issued by the 1st respondent.
2. A-2 : True copy of the Certificate dated 15.1.2000 issued by the Branch Postmaster, Achancoil.
3. A-2(a): English translation of Annexure A-2.
4. A-3 : True copy of the Interview Memo No.EDDA/A.Covil/99 dated 28.12.1999.
5. A-4 : True copy of the representation dt. 13.1.2000 to the 1st respondent.
6. A-5 : True copy of applicant's representation dated Nil sent to the Post Master General (Tvm).
7. A-5(a): True copy of English translation of Annexure A-5.

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