

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 571/90  
XXXXXX

199

DATE OF DECISION 13.2.1991

K Sivaji

Applicant (s)

Mr S Venkatasubramania Iyyar Advocate for the Applicant (s)  
(Not appeared)

Versus

The Superintendent of Post Respondent (s)  
Offices, Mavelikara Division,  
Mavelikara and another

Mr TPM Ibrahim Khan  
Mr M Ramachandran

Advocate for the Respondent (s) -1  
for Respondent - 2

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. AV Haridasan, 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 NV Krishnan, A.M

The applicant was an EDBPM, Valiazheekal Post Office and he has prayed for the following important reliefs in this application.

- (i) Call for the records leading to the order/proceedings of the 1st respondent whereby the 2nd respondent has been selected for appointment to the post of Extra Departmental Branch Post Master in the Valiazheekal Post Office.
- (ii) An order setting aside the order/proceedings by which the 2nd respondent was selected to the aforesaid post.
- (iii) A direction to the 1st respondent to either appoint the applicant as EDBPM in the Valiazheekal Post Office or in the alternative.
- (iv) To conduct a denovo selection to the post of EDBPM in the Valiazheekal Post Office from among the candidates who had already participated in the selection process with reference to the documents which have been originally submitted.
- (v) A further direction to the 1st respondent not to terminate the services of the applicant pending final selection to the post of EDBPM in the Valiazheekal Post Office.

2 Respondent-1 has submitted a statement which indicates that the main relief sought by the applicant viz, to quash the appointment of Respondent-2 to that office, has been conceded in as

much as by Ext.R1(A) proceedings, ~~the~~ Director of Postal Services, Central Region has passed an order on 22.8.90 directing Respondent-1 as follows:

" In the conspectus of facts and circumstances explained above, I find that the selection and appointment of the candidate has not been made in accordance with the procedures and instructions on the subject. I hereby direct the Superintendent of POs. Mavelikara Division to cancel the selection and appointment of Shri D Sudeesan, after issuing a reasoned speaking order and proceed with the selection afresh in accordance with rules and instructions on the subject. This selection should be made considering all the candidates including Shri K Sivaji the applicant in OA 571/90. This should be done within a month from the date of disposal of the O.A".

3 The learned counsel for the Respondent-1 submitted that due to the pendency of this application, ~~as~~ effect has not been given to this direction by the Respondent-1.

4 The applicant has also prayed that either he be appointed to the post or in the alternative a direction be given to Respondent-1 to conduct a de-novo selection to the post of EDBPM from among the candidates who had earlier participated in the selection process, ~~As~~ a result of which the Respondent-2 was selected and which selection has now been directed to be quashed by the Annexure R1(A) proceedings. The applicant has also prayed that until final selection is made, his services may not be terminated.

5 As the applicant was not present, we proceeded to dispose of the case on merits.  
~~xxxxxxexportxxxxxx~~ Respondent-2 submits that he is holding the post in pursuance of the interim order issued by us on 17.8.90.

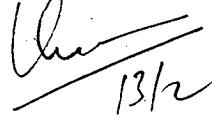
6 We notice that practically all the prayers made by the applicant have been more or less ~~xxxxx~~ in the met

R1(A) proceedings. Therefore, while allowing this application, we direct the Respondent-1 to implement, within one month from the date of receipt of this order, the orders given to him by the Director of Postal Services in her proceedings (Annexure R1(A) and also ensure that the de-novo selection should be confined to the persons, including the applicant and Respondent-2, who were originally called for selection and should be based on the applications and particulars already obtained for that selection.

7 We notice that though an interim order was passed on 17.7.90 directing the continuance of the applicant on the said post provisionally until further orders, it could not be implemented as before that date, the Respondent-2 had been inducted to that office. We are, therefore, of the view that though there is an order of the Director of Postal Services directing that the appointment of Respondent-2 be quashed, the balance of convenience lies in allowing him <sup>to</sup> continue, purely on an ad-hoc basis without acquiring any rights, till a person is appointed after the aforesaid de-novo selection.

8 The application is disposed of accordingly and there will be no order as to costs.

  
(AV Haridasan)  
Judicial Member

  
(NV Krishnan)  
Administrative Member