

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED 30TH JANUARY, 1990

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 574/89

V. N. Balakrishnan Nair

Applicant

Vs.

1. Sub Divisional Inspector (Posts)
Vaikom Sub Division, Vaikom-686 841
2. Supdt. of Post Offices, Kottayam,
3. Director of Postal Services,
Central Region, Cochin-682 011,
4. Union of India represented by its
Secretary, Ministry of
Communications, New Delhi

Respondents

M/s. O. V. Radhakrishnan,
K. Radhamani Amma &
K. S. Gopimohan Nair

Counsel for the
applicant

Mr. T. P. M. Ibrahim Khan, ACGSC

Counsel for the
respondents

ORDER

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

The short point in this application is ^{whether} ~~that~~ the
applicant who has been working as Extra Departmental
Stamp Vendor at Kaduthuruthy Post Office ~~since~~
since 22.9.1987 continuously in a temporary capacity
can be considered for regular appointment to the post
even though he ~~had~~ not been sponsored by the Employment
Exchange? The learned counsel for the applicant has
argued that since his appointment on 22.9.1987 ~~is~~ was

neither as a substitute nor on a provisional basis, he is entitled to be considered for regular appointment along with other candidates even though he is not sponsored by the Employment Exchange. He has also an argument that he has completed more than two years of regular service and he is entitled to ^{the benefit of} Chapter V-A of ^{the} the Industrial Disputes Act.

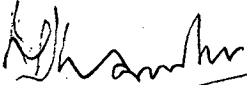
2. We have heard arguments of counsel for both the parties and gone through the documents carefully. This Tribunal has taken the view in similar cases that the existing incumbent ^{holding a} ~~to a similar~~ post for a considerable period of service should also be considered for regular appointment along with other candidates and should not be excluded on the sole ground of not being sponsored by the Employment Exchange.

3. In the facts and circumstances, we allow this application to the extent of directing the respondents to consider the applicant also for regular selection to the post of Extra Departmental Stamp Vendor, Kaduthuruthy Post Office even though he has not been sponsored by the Employment Exchange. The benefits including that of preferential claim if available to him in accordance with Chapter V-A of Industrial Disputes Act should also be kept in view in considering him for

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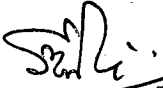
regular appointment to the above said post.

4. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

30.1.90

kmm


(S. P. Mukerji)
Vice Chairman

30.1.90