

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.575/99

Thursday this the 24th day of June, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

M.M.Vijayan,
S/o Madhavan,
Aged 27 years, Extra Departmental
Mail Carrier (provisional) Chathamattom Branch
Post Office, residing at Makkil, Chathamattom,
Pothanikkadu-686667.Applicant

(By Advocate Mr. R. Sreeraj)

Vs.

1. The Sub Divisional Inspector of Post Offices, Muvattupuzha.
2. The Superintendent of Post Offices, Aluva Division.
3. The Post Master General, Central Region, Kochi.Respondents

(By Advocate Mr. Govindh K Bharathan (represented)

The application having been heard on 24.6.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who was appointed on a provisional basis as Extra Departmental Mail Carrier (EDMC for short) Chathamattom Branch Post office by order dated 1.8.98 has filed this application. In the order it was stated that the appointment would be for a period of 92 days from 1.8.98 to 3.11.98 or till regular appointment is made whichever period is shorter. However, the right to terminate the services even within that period without any notice was also reserved with the department. The applicant continued even beyond 3.11.98. The applicant is

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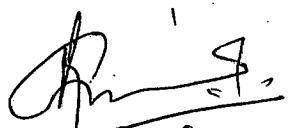
aggrieved now because with effect from 17.5.99 the applicant is not allowed to perform the duties of the post of EDMC, Chathamattom for the reason that as per orders dated 17.5.99 of the first respondent to extend the mail line of EDMC Koovallur to Chathamattom, the EDMC Koovallur is deployed to carry out the work of EDMC, Chathamattom also. The applicant has stated that as no regular appointment to the post has since been made, the replacement of the applicant by extending the beat of Koovallur EDMC to Chathamattom with effect from 17.5.99 is opposed to the dictum of the Hon'ble Supreme Court in the decision in **Pyara Singh's case** (1992) 4 SCC 118). The present arrangement brought into effect from 17.5.99 of replacing the applicant by giving additional work to the EDMC, Koovallur is illegal and unjustified, allege the applicant. With the above allegations the applicant has prayed for a declaration that denial of work and wages to the applicant from 17.5.99 is illegal and for a direction to the respondents to continue to assign to the applicant work of the post of EDMC, Chathamattom and to give him wages attached to the post till the post is filled on a regular basis.

2. We do not find any substance in the claim of the applicant. By the order dated 1.8.98 while the applicant was appointed as a provisional EDMC he was told that the arrangement would continue either till 3.11.98 or till a regular appointment is made whichever is shorter. Though the applicant was continued after 3.11.98 now that a regular arrangement has been made by the respondents by extending the mail line of EDMC, Koovallur to Chathamattom with effect from 17.5.99, there is no need to keep the

applicant in provisional employment. Learned counsel for the applicant stated that as the order dated 17.5.99 itself states that the filling up the post of EDMC, Chathamattom would be kept in abeyance for re-deployment it could be seen that the arrangement made on 17.5.99 is only a provisional one and not a regular one. We find no merit in this contention. It is not a provisional appointment but a regular appointment by combining the duties of two posts till a decision is taken for re-deployment. Such a dispensation to suit the administrative function and public interest is unexceptionable.

3. In the light of what is stated above, we do not find that any legal rights of the applicant has been violated to give ^{him} a cause of action. Hence, we dismiss this application leaving the parties to bear their costs.

Dated the 24th day of June, 1999



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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