

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O.A. No. 583 1990  
T.A. No.

DATE OF DECISION 6.3.91

Kasim K.I.

Applicant (s)

Mr. M R Rajendran Nair

Advocate for the Applicant (s)

Versus

The Sub Divisional Inspector, Respondent (s)  
Postal, Kalpetta and others

Mr. TPM Ibrahim Khan

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, 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. S. P. MUKERJI, VICE CHAIRMAN

In this application dated 19.7.1990, the applicant who has been working as Extra Departmental Mail Carrier at Chennalode Post Office, initially as a substitute and later on a provisional basis for more than a year, has prayed that he should be declared to be entitled to be considered for regular appointment as EDMC, Chennalode Post Office and the respondents be directed to give the weightage to his past service. His further prayer is that his service should not be terminated except in accordance with the provisions of Chapter-VA of the Industrial Disputes Act.

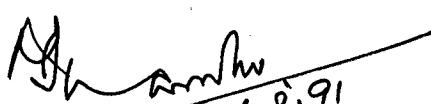
2. We have heard arguments of learned counsel for both parties. The fact that the applicant worked as

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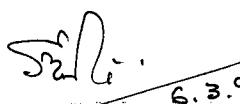
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EDMC as a substitute from 19.10.1989 till 27.11.89 and on a provisional basis & thereafter he is continuing when the regular incumbent was promoted and appointed to Group 'B' has not been denied by the respondents. It is also established law that the Department of Posts has been taken to be an Industry and the Extra Departmental Agents have been held to be workmen for the purpose of I.D. Act. We have also held in a catena of cases that a working ED Agent should <sup>also</sup> be considered for regular appointment to the post he is holding even though his name is not sponsored by the Employment Exchange provided he is otherwise eligible.

3. In the conspectus of the facts and what has been stated above, we dispose of this application with a direction to the respondents that the applicant should <sup>be</sup> also considered for regular selection to the post of EDMC of Chennalode Post Office even though his name is not sponsored by the Employment Exchange & his name is not otherwise disqualified. We also direct the respondents not to terminate the services of the applicant except in accordance with law with particular reference to Chapter V-A of the I.D. Act, in case he is not selected for the above said post.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

6.3.91

  
(S. P. MUKERJI)  
VICE CHAIRMAN

6.3.91

KMN