

6.10.1989

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Dated Friday the sixth day of October Nineteen

Hundred and eighty nine

PRESENT

Hon'ble Shri N.V. Krishnan, Administrative Member

and

Hon'ble Shri N. Dharmadan, Judicial Member

ORIGINAL APPLICATION No.585/89

P.K. Vijayan Nair

...the applicant

v.

1. The Assistant Superintendent of Post Offices, Mavelikara Sub Division (north) Mavelikkara.

2. Sub Divisional Inspector of Post Offices, Mavelikara Sub Division (South) Mavelikkara.

...the respondents

Mr. K. Sasikumar

...Counsel for applicant

Mr. T.P. Mat Ibrahim Khanji ACGSC

...Counsel for respondents

ORDER

Shri N.V. Krishnan, Administrative Member.

The applicant was provisionally appointed
as substitute Extra Departmental Delivery Agent in

Ala-Ramapuram Post Office from 7.10.1987 to 13.3.1989,

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as disciplinary proceedings were pending against

the regular incumbent and that proceeding ended by

the reinstatement of the incumbent Mr. G. Anujan, ~~as~~

the applicant was therefore out of engagement on the

reinstatement of the regular incumbent from 13.3.1989.

2. Subsequently the applicant has been

provisionally appointed as E.D. Packer Venmony by

order dated 30.5.1989, *i.e.* Annexure 4. Proceedings have

been initiated by issue of notice dated 28.8.1989,

(Annexure A.1) inviting applications for regular

appointment to the post of E.D. Packer at Venmony

before 25.9.1989. The applicant did not submit his

application in response to the notice as he is *staking*

his claim under Section 25(H) of the Industrial

Disputes Act and also in the belief that Annexure A.1

is invalid, as it is violative of provisions of the

Industrial Disputes Act.

3. We have heard the counsels and we are

of the view that the provisions of Section 25(H) of

the, even if applicable are

the I.D. Act is not attracted at this stage. In this

circumstance, the applicant is permitted to submit an

an application before the second respondent who issued the

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In response to the notice
Notice Annexure A.1 within a week from today, and
the second respondent is directed to entertain the
application and dispose of it in accordance with
law.

4. The application is disposed as above

{ making no order as to costs, before adjournment }

N.Dharmadan *6/10/89* *Ch*
(N. Dharmadan) (N.V. Krishnan)
Judicial Member Administrative Member

Dated 6th October, 1989

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