

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

*u*

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On response to that 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 answer { }

 6/10/89 (N. Dharmadan)  
Judicial Member

 6/10/89 (N.V. Krishnan)  
Administrative Member

Dated 6th October, 1989

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