

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. I.P.M. Ibrahim Khan ACGSC

...Counsel for respondents

ORDER

Shri N.V. Krishnan, Administrative Member.

The applicant was provisionally appointed

^a
as substitute Extra Departmental Delivery Agent in

Ala-Ramapuram Post Office from 7.10.1987 to 13.3.1989,

.... /

as disciplinary proceedings were pending against the regular incumbent. ^Aand that proceedings ended by the reinstatement of the incumbent Mr. G. Anujan, ~~San~~ 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, ~~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 taking 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 ^Bthe I.D. Act, ~~is~~ ^{even if applicable are} not attracted at this stage. In this circumstance, the applicant is permitted to ~~submit an~~ ^{to} application ~~before~~ the second respondent who issued the


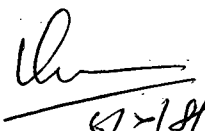
In response to that notice

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 admission

	
(N. Dharmadan)	(N.V. Krishnan)
Judicial Member	Administrative Member

Dated 6th October, 1989

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