

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
XXXXXX

603/91

1991

DATE OF DECISION 19.12.1991

A.V. Poulose _____ Applicant (s)

Mr. K. Karthikeya Panicker _____ Advocate for the Applicant (s)

Versus

UOI, rep. by the Director _____ Respondent (s)
General of Post, New Delhi and
another.

Mr. K.A. Cherian, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Administrative Member.

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

(N.V. Krishnan, Admve. Member)

The applicant states that he started working as a ED Mail Carrier in the Puliyam Post Office on a regular basis from 1980. Consequent on the promotion of the Extra Departmental Branch Postmaster, Puliyam, as a Postman, he assumed charge as Postman of Aluva from 14.2.91 and, therefore, the post of EDBPM fell vacant. The applicant states that he has been appointed ED Branch Post Master at Puliyam Post Office on a stop gap basis.

2. He then filed the Annexure A2 representation before the Respondent 2 stating that as the post of EDBPM, Puliyam Post Office is now lying vacant and as he is a ED Mail Carrier duly qualified and, therefore, he prays that he may be appointed as Branch Post Master without losing his service.

3. However, without disposal of that representation, the respondents proceeded to initiate selection for regular appointment to the post of EDBPM as evidenced by the Annexure-A4 notice of the Town Employment Exchange, Aluva. At that point of time, the applicant approached this Tribunal seeking the following reliefs:-

"a) to direct the respondents to appoint the applicant as an Extra Departmental Branch Postmaster of Puliyannam Post Office on regular basis.

b) to declare that the applicant is entitled to be appointed as EDBPM, Puliyannam by virtue of Annexure-A1 instructions and A3 letter.

c) to call for the records leading to Annexure-A4 and declare that the proceedings to fill up the vacancy through Employment Exchange is illegal and unsustainable.

d) to direct the 2nd respondent to consider the applicant also along with the candidates sponsored through the Employment Exchange for the post of EDBPM of Puliyannam."

e) any other order or direction as this Hon'ble Tribunal deems fit in this case."

An interim order has also been issued to maintain the status quo of the applicant till the disposal of this application and the Annexure-A4 also to be kept in abeyance.

4. When the case was heard today, the learned counsel for the applicant submitted that the Annexure-A1 letter dated 12.9.88 of the Directorate is very clear as would be evident from the following extracts:-

"(i) When an ED post falls vacant in the same office or in any office in the same place and if one of the existing EDAs prefers to work against that vacant post he may be allowed to be appointed against that vacant post without coming through the Employment Exchange provided he/she is suitable for the other post and fulfills all the required conditions.

(ii) In cases where EDAs become surplus due to abolition of posts and they are offered alternate appointments in a place other than the place where they were

originally holding the post, to mitigate hardship, they may be allowed to be appointed in a post that may subsequently occur in the place where they were originally working without coming through Employment Exchange."

5. He, therefore, submits that the application should be allowed. However, the learned counsel for the respondents submits that as the representation is pending it would be in the interest of justice to direct the respondents to dispose of that representation in accordance with law.

6. However, we notice that though a representation was filed on 14.2.91, it was the applicant was compelled to approach this Tribunal, because of the Annexure-4 notice. In the circumstance, we think it proper to direct the respondents to dispose of the Annexure-A2 representation.

7. We, therefore, dispose of this application with a direction to the respondent-2 to dispose of the Annexure-A2 representation of the applicant in accordance with law, keeping in view the provisions of the DG, P&T's letter dated 12.9.88 at Annexure-A1 and issue suitable orders. We further direct that pending disposal of this application in this manner, no further proceedings shall be taken in respect of the Annexure-A4 notice issued by the Employment Exchange. These directions should be complied within two months from the date of receipt of this judgment. Until final orders are passed as above, the applicant shall be allowed to continue as EDBPM in the above Post Office.

There will be no order as to costs.

N. Dharmadan
19.12.91

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

Vee
19/12/91

19.12.1991