

O. A. No. 611 1990
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M. Govindan Applicant (s)

Mr. M. R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Assistant Supdt. of Respondent (s)
Post Offices, Badagara South Sub Division,
& Another.

Mr. TPM Ibrahim Khan, Advocate for the Respondent (s)

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

and

The Hon'ble Mr. A.V.Haridasan - 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? ➤

(Mr.N.V.Krishnan, Administrative Member)

The applicant's main grievance is that though he has been working in the post of E.D.Messenger of Melady Post Office on a provisional basis from 15.6.90, when the regular incumbent was appointed earlier as EDDA, he has not been called for the regular selection for appointment to that post, on the only ground that his name has not been sponsored by the Employment Exchange.

2. A statement has been made by the respondents admitting that the applicant was appointed on a provisional basis as E.D.Messenger from 15.6.90 or till a regular arrangement is made. In view of the statement, we proceed

to dispose of the case finally without getting a detailed reply affidavit from the respondents.

3. The only issue before us is whether the applicant is entitled, as a matter of right, to be considered by the Department for selection on a regular basis on the strength of his continuing on that post on the basis of a provisional appointment or not. This Tribunal has held in a number of cases that persons appointed on a provisional basis and who continue as such, have such a right to be considered for regular appointment, even if their names are not sponsored by the Employment Exchange, That rule will apply to the applicant also.

4. By our interim order dated 25.7.90, we had directed the respondents to allow the applicant also to appear in the interview, provisionally, subject to the outcome of this application, and there was also a direction that the results of the interview should not be published. It is now submitted that the interview has since taken place.

5. In this view of the matter we dispose of this application by declaring that in the circumstances of the case, the applicant had a right to be considered in the aforesaid interview, ^{and} permitting the respondents to declare the results and take such action in accordance with law, as may be advised. Therefore, we do not find it necessary to consider the other relief that have been sought in this application as they are premature.

(A.V.HARIDASAN)
JUDICIAL MEMBER

13.3.1991

(N.V.KRISHNAN)
ADMINISTRATIVE MEMBER