

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
KXAXXDX

62 1991

DATE OF DECISION 10.1.1991

V.K.Haridasan Applicant (s)

M/s. PS Biju & CS Ramanathan Advocate for the Applicant (s)

Versus

Sub Divisional Inspector, of Post Offices, Sherthallay & Another Respondent (s)

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

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

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?

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

In this application dated 8.1.1991, the applicant has prayed that the first respondent be directed to appoint the applicant as Extra Departmental Messenger, Poochackal against the permanent vacancy, after considering him also along with other candidates sponsored by the Employment Exchange for filling up that post.

2. We have heard the arguments of the learned counsel on either side and gone through the documents. The contention of the applicant is that he has been holding the same post as above for about $2\frac{1}{2}$ years on provisional basis and the post of Extra Departmental Delivery Agent, at the same place for

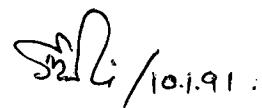
six months and thereby he has put in not less than 3 years of service as E.D.A. He was discharged on 8.2.1990. Having heard the learned counsel for the parties, we feel that the applicant's prayer is modest and reasonable and cannot be denied. The DG P&T's letter No.43/4/77-PEN dated 23.2.1979 referred to on page 63 of Swamy's Compilation of Service Rules of E.D.Staff(1987 Edition) was also brought to our notice. In accordance with this letter "Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years".

3. In the circumstances and in the interest of justice, we admit the application and close the same with the direction that the applicant should represent for being considered for regular appointment against the aforesaid post, giving all relevant data and his qualifications within a period of one week from today, as agreed to by the learned counsel for the applicant. We further direct the respondents to consider the applicant before us on the basis of the representation, for the selection to the aforesaid post, in accordance with law and in particular keeping in view the directions of DG P&T given in his letter dated 23.2.1979. We further direct the respondents that the post should be regularly filled after considering inter-alia the applicant also, if he applies, on the lines indicated above.


(AV HARIDASAN)
JUDICIAL MEMBER

trs

10-1-1991


(SP MUKERJI)
VICE CHAIRMAN