

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED MONDAY THE SEVENTH DAY OF AUGUST ONE THOUSAND
NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 77/89

K. C. Maniraj

Applicant

Vs.

1. The Sub Divisional Inspector
Kalpetta,
2. The Post Master, Calicut Civil
Station H.O.,
3. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi and
4. Senior Superintendent of Post
Offices, Calicut

Respondents

M/s. M. R. Rajendran Nair &
P. V. Asha

Counsel for the
applicant

Mr. P. Santhalingam, ACGSC

Counsel for the
respondents

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The petitioner in this case is approaching the
Tribunal for the second time for getting ^a _{regular} employment
in the Postal Department. Originally, he was provisionally
appointed as Extra Departmental Delivery Agent, hereinafter
referred to as EDDA, in the Kolagappa post office for
a period of 54 days w.e.f. 8.11.1985 to 31.12.1985, on a

temporary basis as per Annexure-I order. Subsequently, on the basis of memorandum No. DA/BO/Kolagappara dated 3.4.86 xxxxxxxx the provisional appointment/for a further period of 59 days w.e.f. 1.1.1986 to 28.2.1986, copy of the memorandum is Annexure-II. Later, on the basis of office orders of the Sub Divisional Inspector, Kalpetta, the petitioner's provisional appointment was/extended further from 1.1.86 to 2.3.1988 with intermittent breaks.

2. When the first respondent invited application for the post of EDDA, Koalagappara on the basis of the list sent to him, from the Employment Exchange, the petitioner was /also registered in the Employment Exchange and sought appointment through the Employment Exchange, but he was not called for the interview. Hence, he submitted Annexure-III representation before the Senior Supdt. of postoffices, Calicut seeking regularisation of his appointment. Since the applicant was not called for interview, he apprehended termination and approached this Tribunal by filing OA 154/88. That case was disposed of by directing the respondents to consider the case of the applicant along with others. After the order in OA 154/88, though the petitioner was called for interview, he was not selected for appointment. Hence, he again apprehended outster from service and filed the present Original Application before the Tribunal.

3. On 3.2.1989, this application was admitted and the following interim order was also passed:-

"Counsel for the applicant prays for the interim relief claimed in the application to stay the termination of the applicant. In view of the averments in the application, we hereby direct that the service of the applicant shall not be terminated for a period of three months".

But the petitioner was ousted from service on 31.1.89.

So he filed M.P. 231/89 for reinstatement of the petitioner allowing him

as EDDA, Kolagappa and ^{1/2} to continue in service till the disposal of the O.A. By the order dated 6.4.89, the petitioner was directed to be reinstated provisionally.

In due compliance with the direction of the Tribunal, he is continuing as provisional employee.

4. In the M.P. 231/89, the petitioner has stated that was by order dated 30.3.89, one Mr. A. Scariachan ^{1/2} directed to work as EDDA at Kolagappa Postoffice. The order is produced as Annexure-4 along with the above M.P. The petitioner submitted in the above M.P. that Shri Scariachan has been working as EDDA, Beenachi Postoffice, Batteri till 30.3.1989 and there is no substitute appointed at Beenachi Postoffice.

5. Today when the case was taken up for hearing, it was submitted at the bar that the petitioner is at present working at Kolagappa Postoffice as provisional EDDA and Shri Scariachan is working at Beenachi Postoffice as a regular employee. Hence, there cannot be any objection for the continuance of the petitioner in his present post

offices till a regular employee is selected and posted to the post after observing the statutory procedure.

6. We also feel that interest of justice will be served in this case, if we dispose of the application with the direction to the respondents, that the petitioner may be allowed to continue in his present post or in the vacancy that may arise due to the regular posting of Shri Scariachan, as provisional employee in the same manner ^{as h} he was allowed to continue during the pendency of this application, till a regular hand is duly selected and posted in the vacancy. The respondents may also consider the claim of the petitioner for a regular appointment, if there is no disqualification for him under the existing statutory rules applicable to the post. Accordingly, we dispose of the petition with the above direction but without any order as to costs.

N. Dharmadan 7.8.89
(N. Dharmadan)
Judicial Member
7.8.89

N. V. Krishnan 7.8.89
(N. V. Krishnan)
Administrative Member
7.8.89

kmn