

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 85/99

Wednesday, this the 30th day of June, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR G RAMAKRISHNAN, ADMINISTRATIVE MEMBER

R. Satheesh Kumar,
S/o. Rajappan,
Vishnu Nivas, Jaipuram,
Powdikonam P.O.,
Chempazhanthi,
Trivandrum District.

...Applicant

By Advocate Mr. Thomas Mathew

Vs.

1. Assistant Superintendent of Post Offices,
Trivandrum North Sub-Division,
Trivandrum - 33.
2. Senior Superintendent of Post Offices,
Trivandrum North Division,
Trivandrum.
3. Chief Post Master General,
Kerala Circle,
Trivandrum.
4. T.V. Thomas,
Assistant Superintendent of Post Offices,
Trivandrum North Sub-Division,
Trivandrum.
5. Shibu S.S.,
Shibu Nivas,
Panthacode, Vattapara P.O.,
Trivandrum District.

...Respondents

By Advocate Ms. S. Chitra, ACGSC for R-1 to 3

By Advocate Mr. G. Sasidharan Chempazhanthiyil for R-5

The application having been heard on 30/6.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The grievance of the applicant is that while he
has been discharging the duties of Extra Departmental

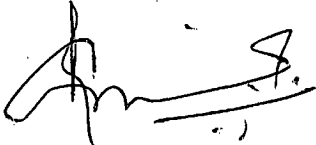
Delivery Agent, Powdikonam with effect from 22.4.1998, the first respondent has replaced the applicant by appointing the fifth respondent in his place again as a provisional E.D. Agent. The applicant's case is that as he himself is working as a provisional E.D. Agent, replacing him by another provisional E.D. Agent is opposed to the dictum of the Ruling of the Supreme Court in Piarasingh's case. The applicant, therefore, has filed this application for setting aside the impugned order (Annexure A-4) by which the fifth respondent has been appointed with a declaration that he is entitled to continue as Extra Departmental Delivery Agent, Powdikonam, till a regular appointment is made and for a direction to the respondents to reinstate him with all consequential benefits.

2. Respondents resist the claim of the applicant and respondents 1 to 3 have filed a reply statement and the fifth respondent has filed a separate reply statement. On a perusal of the pleadings in this case and on hearing the learned counsel on either side, we find that the applicant does not have any right to continue as an Extra Departmental Delivery Agent till a regular appointment is made. It is revealed from the pleadings and materials on record that the applicant was inducted only as a stop gap arrangement not going through a process of selection. Even for making a provisional appointment to a post, it is necessary to make a process of selection. The applicant's induction as a stop gap arrangement was without following this process. Therefore, he does not acquire right to be hold the post against persons who have a right to be

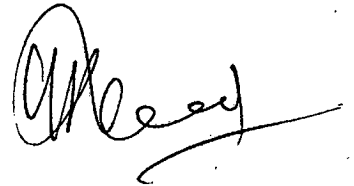
considered for selection and appointment. The fifth respondent has been considered along with the nominees of the Employment Exchange pursuant to a direction from the Tribunal in its order in O.A. 1376/98 and it was after a due process of selection that the fifth respondent has been appointed.

3. In the light of what is stated above, we do not find any merit in this application and accordingly, it is dismissed leaving the parties to bear their own costs.

Dated the 30th of June, 1999.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

P.

LIST OF ANNEXURES REFERRED TO IN THE ORDER

1. Annexure A-4: True copy of the Order No.EDDA/Powdikonam dated 17.11.98 issued by the first respondent.