

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 86/90
~~XXXXXX~~

499

DATE OF DECISION 22.10.1990

TM Baker Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Senior Superintendent of Respondent (s)
Post Offices, Ernakulam Divn.
Cochin-11 and 2 others.

Mr TPM Ibrahim Khan for Advocate for the Respondent (s) 1 & 2
Mr Ashok M Cherian for R-3

CORAM:

The Hon'ble Mr. NV 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

Shri NV Krishnan, Administrative Member

This application is directed against the selection of the third respondent to the post of EDBPM, Kusumagiri P.O.

The applicant has sought the following reliefs:

- (i) To declare that the applicant is a workman and entitled to the protection of Chapter VA of the ID Act and his services shall not be terminated except in accordance with the provisions under Chapter VA of the ID Act.
- (ii) Direct the respondents to give preference to the applicant as a working ED Agent in the selection to be held on 1.2.90 or thereafter, for regular appointment.
- (iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant.

2 When the case was taken up for final hearing to-day, the learned counsel for the applicant could not substantiate his grievances against the selection of the third respondent. Therefore, he has pressed only relief No.(i).

3 It is submitted that the applicant has been continuously ^{working in} on this post on a provisional basis from 28.12.88 and is still holding that post by virtue of the interim order in this case. The first relief ~~itself~~ ^{is} is sought because of the apprehended termination of his service by the induction of the 3rd respondent.

4 The counsel for the respondents 1 & 2 i.e., the Department submits that the entire period from December, 1988 cannot be treated as continuous service for the purpose of Chapter VA of the ID Act because these are period of service rendered as a result of interim orders of this Tribunal.

4.1 Thus in June, 1989 when the Department selected a candidate for regular appointment, this applicant and two others filed three Original Applications against that selection which were listed as OA 363/89, OA 376/89 and OA 407/89. ^{one of} In these applications, an interim order was granted directing the Department not to terminate the services of the applicant till the ^{disposal of the} ~~the~~ applications.

XXXXXXXXXXXXXXXXXXXX The final order was passed on 30th October, 1989 allowing those applications, and the Department was directed to make a fresh selection.


4.2 It is in pursuance of that order that the third respondent was selected. Immediately after the selection of the third respondent, the applicant was relieved, ^{on Feb. 90} by a Mail Overseer. It was then that by another interim order that the applicant was put back in service where he is continuing.

5 The counsel for the 1st and 2nd respondent, however, submits that in case they terminate the service of the applicant as a consequences of the induction of the 3rd respondent to the post of EDBPM, Kusumagiri P.O., as he has been validly selected, that termination will be in accordance with the provisions of law.

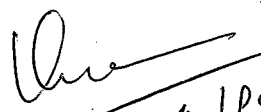
6 The counsel for the third Respondent sought a direction permitting his induction to the post to which he is selected regularly.

7 In these circumstances we find that nothing much remains for adjudication. We declare that the termination of the applicant from the post held by him at present, if made by the respondents 1 & 2, should be in accordance with law. This order, however, will not stand in the way of Respondent 1 & 2 from inducting the third respondent to the post of EDBPM, Kusumagiri P.O. to which he has been regularly selected, again in accordance with law, if it is considered urgent.

8 The application is closed with the aforesaid observations.


(N Dharmadan)
Judicial Member

22.10.90


(NV Krishnan)
Administrative Member