

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 94 of 1996.

Wednesday this the 28th day of February, 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

V.G. Muraleedharan Pillai,
Part Time Watchman,
(Redesignated as Part-time
Casual Labourer, Railway Mail
Service Office, Kayamkulam,
Alleppey District.

.. Applicant

(By Advocate Shri Thomas Mathew)

Vs.

1. Sub Record Officer,
Railway Mail Service,
Kayamkulam.

2. Senior Superintendent,
Railway Mail Service,
Trivandrum Division,
Trivandrum.

3. Chief Postmaster General,
Kerala Circle, Trivandrum.

.. Respondents

(By Advocate Shri Varghese P. Thomas, ACGSC)

The application having been heard on 28th February, 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that he is eligible
to be granted temporary status with effect from 29.11.1989.

When the matter came up for hearing, we granted time to
respondents to file a reply statement, if they so desired.

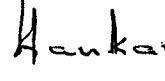
They have not filed any reply statement. Standing Counsel
for respondents submits that he had alerted respondents,

in the matter but, without avail. The averments of applicant remain uncontroverted. On the uncontroverted facts, the principles enunciated in O.A. 590/93 and in O.A. 764/94 squarely apply. It may be that a decision relied on those orders was stayed by the Supreme Court. But the orders mentioned themselves have not been stayed. Quite apart from that, as pointed out by the Apex Court in Alpana V. Mehta Vs. Maharashtra State, Board of Secondary Education and another (AIR 1984 SC 1827) and a number of other cases, the stay granted in a Special Leave Petition does not take away the precedential value of the judgment; the stay operates between the parties to the case. Since the orders in O.A. 590/93 and O.A. 764/94 are not even appealed against and remain in full force, we follow them and allow the application. Respondents will grant temporary status to applicant with effect from 29.11.1989 within three weeks from today.

2. Original Application is allowed. Parties will suffer their costs.

Wednesday this the 28th day of February, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN