

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.105/2005.

Friday this the 18th day of February 2005.

CORAM:

HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Deepthi Sasidharan, D/o Sasidharan,
(Working as GDSBPM at Prakkulam Branch Post Office,
Kollam District), residing at:
"Deepthi" Kadappakkada, Kollam-8. Applicant

(By Advocate Shri.P.A.Noor Muhammed)

Vs.

1. The Chief Postmaster General,
Kerala Postal Circle,
Thiruvananthapuram.
2. The Senior Superintendent of Post Offices
Kollam.
3. The Superintendent of Post Offices
Kollam Division, Kollam-1. Respondents

(By Advocate Mrs. Mariam Mathai, ACGSC)

The application having been heard on 18.2.2005,
the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

The applicant, Ms.Deepthi Sasidharan is working as Gramin Dak Sevak Branch Postmaster at Prakkulam Branch Post Office, Kollam District. She is aggrieved by the issue of notice at A-3 inviting applications for provisional appointment to the post of Gramin Dak Sevak Branch Postmaster at Prakkulam. Her contention is that she herself is a provisional appointee and by the spirit of rules as well as interpretation made by the Tribunal "a provisional appointee cannot be replaced by another provisional appointee". The respondents contend that the applicant was appointed in a stop-gap arrangement in the place of an employee who was put off duty and that she has not undergone a selection process which is mandatory even for provisional appointment. The

respondents also contend that in response to the A-3 notice, the applicant herself could have offered her candidature and it would have been considered in the normal course. Learned counsel for the applicant states that the applicant has also responded to this notice and has made an application.

2. Since it is an admitted fact that the applicant was appointed on a stop-gap arrangement and not on provisional appointment, the dictum laid down that "a provisional appointee cannot be replaced by another provisional appointee" would not apply in this case. Respondents are at liberty to fill up the vacancy by a suitable provisional appointee. The applicant who has submitted her candidature for consideration for this provisional appointment would be considered along with others if she is otherwise eligible keeping in mind the record of her adhoc service prior to her consideration for provisional appointment.

3. With the above directions the application is disposed of at the admission stage itself. No costs.

(Copy of the order may be given today itself).

Dated the 18th February 2005.

H. P. Das

H.P.DAS
ADMINISTRATIVE MEMBER