

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 160  
T. A. No.

1990

DATE OF DECISION 18.7.90

V M Joy Applicant (s)

M/s. M R Rajendran Nair Advocate for the Applicant (s)

Versus

UOI rep. Secretary, Communications Respondent (s)  
New Delhi

TPM Ibrahim Khan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. 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

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

The applicant has stated that he was provisionally appointed in the place of Shri V. T. Thomas as Extra Departmental Delivery Agent after the latter had <sup>on 28.1.90</sup> submitted his resignation. It is not denied that the charge of the EDDA, Kizhumuri Post Office was handed over to the applicant by the respondents themselves.

2. Proceedings were initiated by the respondents to make regular selection by calling names from the Employment Exchange. Though the applicant, <sup>had</sup> registered himself with the Employment Exchange, he was not sponsored by the

Employment Exchange. Therefore he filed this application seeking declaration that he is eligible to be considered for appointment and also for a declaration that he <sup>a</sup>as workman is entitled to the protection of Chapter V of the Industrial Disputes Act and his services are not liable to be terminated except in accordance with the procedure contained therein.

3. In pursuance of an interim order directing the respondents to also <sup>to consider</sup>include the applicant, it is stated that the interview has been held on 5.3.90 but the results thereof has been withheld.

4. The respondents have filed counter affidavit in which they contend that for the regular selection only candidates sponsored by the Employment Exchange may be considered.

5. We have held in <sup>a</sup>number of decisions that a person provisionally appointed by the Government as E.D. Agents has a right to be considered when the selection on regular basis is taken up by them. On that basis, we declare that the applicant was entitled to be considered by the respondents for selection. Since the interview has already been held for the purpose of regular selection, we permit the respondents to declare the result and take appropriate action for appointment of the successful candidate.


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6. As far as the relief sought by the applicant in terms of the I.D. Act is concerned, we are of the view that this question is premature. We cannot anticipate any adverse action <sup>to be</sup> taken against the applicant. *to give a decision thereon*

7. In the circumstances, the application is allowed with the above direction.

8. There will be no order as to costs.

  
(N. Dharmadan) 18.7.90  
Judicial Member

  
18/7/90  
(N. V. Krishnan)  
Administrative Member

kmp