

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.163/95

Thursday, this the 2nd day of February, 1995.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

....

CK Manoj,  
Extra Departmental Packer,  
Ochanthuruth PO.

....Applicant

By Advocate Shri PC Sebastian.

vs.

1. The Assistant Superintendent of Post Offices,  
Kochi Sub Division, Kochi.
2. The Employment Officer, Town Employment Exchange,  
Kochi, Vypin, Azheekal PO,  
Ernakulam--682 510.
3. Postmaster General, Central Region,  
Kochi--682 016.

....Respondents

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

A provisional Extra Departmental Packer in Ochanthuruth Post Office, seeks a declaration that he is entitled to be considered for appointment as Extra Departmental Packer on a regular basis. He had been working for less than a month and his candidature has not been sponsored by the Employment Exchange. Shri Sebastian, learned counsel for applicant cited several decisions of this Tribunal to contend that even a provisional employee should be considered for regular appointment irrespective of sponsorship by the Employment Exchange. True, there are decisions and the correctness of those are now pending consideration before a Full Bench of this Tribunal.

cotd.

2. Quite apart from that, on the facts of this case, even if the precedent is good law, it cannot apply to a case like this. The length of provisional service is so short. If a provisional employee who acts in a short term vacancy for a very short time, is brought on par with those who have worked for long years and therefore, exempted from the rigours of the rules, it would lead to a situation where the rules cease to have any force. Such a situation cannot be countenanced. I do not think that this is a fit case to exercise the discretion in favour of applicant.

3. Application is dismissed in limine.

Dated the 2nd February, 1995.

*Chettur Sankaran Nair*

CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN