

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D. A. No. 175/92
T. A. No. 109

DATE OF DECISION 21.7.92

Jancy T.A.

Applicant (s)

Mr. MR Rajendran Nair

Advocate for the Applicant (s)

Versus

The Assistant Superintendent of Post Offices, Ernakulam Sub Division, Edappally-600 024 and another.

Mr. C Kochunni Nair, ACCSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. PS Habeeb Mohamed

Administrative Member

The Hon'ble Mr. AV Haridasan

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 AV HARIDASAN, JUDICIAL MEMBER

The applicant was appointed as ED Packer in Bharat Matha College Post Office provisionally for 89 days from 1.1.92 by order dated 30.12.91. She had also worked in various ED posts earlier in leave vacancies as substitute. Apprehending that a regular appointment would be made to the post of ED Packer in which she is presently working without considering her as candidate, as she may not be sponsored by the Employment Exchange, the applicant has filed this application for declaration that she is entitled to be considered for selection with due weightage for the services rendered by her and for a direction to

Received
on 24/7/92
12/2/92

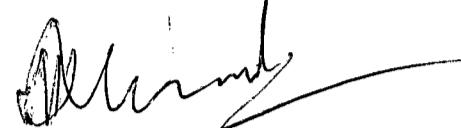
the respondents to retain her in service till a regularly selected ED Packer is appointed to the post.

2. Respondents resist the application. They have contended that recruitment to ED Posts are made only through the agency of the Employment Exchange in accordance with the directions of the DG, P&T and that as per the existing rules, a provisional appointee is not entitled to any weightage for provisional services.

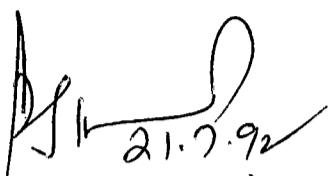
3. This Bench has been taking the view consistently that a person working as ED agent is entitled to be considered for regular selection even if not sponsored by the Employment Exchange. A Larger Bench of the Tribunal has held that while making regular selection, a provisional appointee is entitled to weightage for the services rendered. Therefore, the applicant though not sponsored by the Employment Exchange is entitled to be considered for the regular selection alongwith other eligible and suitable candidates when the respondents conduct a regular selection. She is also entitled to get the weightage for her past services. We, therefore, dispose of this application with a direction to the respondents to consider the applicant also for the selection to the post of ED Packer on a regular basis when they undertake the process of selection giving due weightage for the past services rendered by her.

We also direct that the services of the applicant shall not be terminated otherwise than by the appointment of a regularly selected candidate.

There will be no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER



(PS HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

21.7.92.