

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.206/2001

Monday this the 18th day of June, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

A.Sajad,  
Extra Departmental Telegraph Messenger,  
(officiating)  
Pallippuram PO,  
Thiruvananthapuram District.

...Applicant

(By Advocate Mr. Thomas Mathew)

v.

1. The Assistant Superintendent of Post Office, Thiruvananthapuram North Sub Division, Thiruvananthapuram
2. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram.
3. The Director General, Department of Posts, New Delhi.
4. Union of India, represented by its Secretary, Department of Posts, New Delhi.

...Respondents

(By Advocate Mr. M.R.Suresh)

The application having been heard on 18.6.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicant who has been working as Mazdoor for some time was appointed provisionally as Extra Departmental Messenger, Pallippuram PO and is holding that post provisionally from 1997 onwards. Now the post of ED Packer in the same post office has fallen vacant and the respondents have issued a notification calling for application from outsiders. The applicant has also applied for this post. The applicant has filed this

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application seeking to set aside Annexure A.4 notification and for a declaration that the applicant is entitled to be appointed as ED Packer, Pallipuram in terms of Annexure.A5 order and direct the respondents accordingly. A5 order is one by which preference in ED appointments to be given to casual labourers.

2. When application came up for hearing, learned counsel on either side state that the very same applicant had filed an application OA 1622/98 claiming consideration for appointment to the post of ED Messenger taking into account the order Annexure.A5 in this case and that though the respondents have raised the contention that the applicant was not a casual labourer, the contention was rejected by the Tribunal and the Tribunal disposed of the application directing the respondents to consider the appointment of the applicant as ED Messenger and that in view of the above position, this application also may be disposed of with appropriate direction to consider the applicant also for appointment as ED Packer, Pallipuram.

3. In the light of the above submission of the learned counsel on either side, the controversy involved in this case has been reduced practically to nil. The contention of the respondents that the applicant is not a casual labourer and therefore is not entitled to preference has only to be rejected in view of the orders in OA 1622/98 as also by the statement of the learned counsel for the respondents that this case also has to be disposed of in tune with the orders in OA 1622/98.

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4. In the result, the application is disposed of with a direction to the respondents to consider the applicant for appointment to the post of ED Packer, Pallippuram on the basis of the instructions contained in DG (Posts) letter dated 6.6.1988 and only if the applicant is found ineligible or unsuitable for appointment to the post, recruitment pursuant to the impugned notification shall be made. No costs.

Dated the 18th day of June, 2001

T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

(s)

A.V. HARIDASAN  
VICE CHAIRMAN

List of annexures referred to:

Annexure.A4:True copy of notice dated 30.1.2001 issued by the Ist respondent inviting applications for the post of ED P acker, Pallippuram P ost Office.

Annexure.A5:True copy of instruction No.28 issued by Director General, Department of Posts as per letter No.17-141/88 EDC & Trg. dated 6.6.88.

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