

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 210 of 1991
T. A. No.

DATE OF DECISION 12-3-1991

PT George Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India & 2 others Respondent (s)

Mr TPM Ibrahimkhan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr.SP Mukerji, Vice Chairman

&

The Hon'ble Mr.N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

This application is a sequel to the judgement passed by this Tribunal on 20.11.1990 in OA-807/90 filed by the applicant before us. In that judgement the direction given to the respondents was as follows:

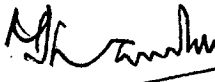
"Having heard the learned counsel for the parties and keeping in view the statement made by the learned counsel for the applicant, we close this application and direct the respondents to consider the applicant for any future vacancy including the vacancy of E.O.M.C. at Erumapetty Post Office, in accordance with law, even though his name is not sponsored by the Employment Exchange keeping in view the provisions of Chapter V-A of the Industrial Disputes Act."

The applicant has filed this application again before the Tribunal praying that the respondents be directed to appoint the applicant as Extra Departmental Delivery Agent(E.D.D.A) Erumapetty on the basis of the preferential claim with all

benefits including continuity of service. The learned counsel for the respondents has filed a statement with a copy to the learned counsel for the applicant in which it has been clearly stated in para-8 thereof that "the Extra Departmental post vacant at Erumapetty can be filled up only after getting sanction from the competent authority after review of justification for retaining such a post. The applicant will be considered for appointment against any of the Extra Departmental post falling vacant at Erumapetty alongwith other candidates nominated by the Employment Exchange." The grievance of the applicant before us is that in spite of the existence of a vacancy, the respondent is not implementing the judgement of this Tribunal by which he is entitled to be considered for any future vacancy of E.D.M.C. including the vacancy of E.D.D.A. at Erumapetty, in accordance with law.

2. We have heard the arguments of the learned counsel for the parties and gone through the documents carefully. The learned counsel for the respondents indicated that the vacancy at Erumapetty Post Office will be filled up as soon as the sanction for its retention is got. He is however, not able to indicate any period within which the sanction of the competent authority for retention of the post would be available. In the conspectus of facts and circumstances, we close this application with the direction to the respondents to consider the applicant for filling up the existing or any future vacancy of E.D.Agent at Erumapetty Post Office even on a provisional basis, in

accordance with the judgement of this Tribunal along with other eligible candidates, in accordance with law. We also direct the respondents to take firm decision about the filling up of the existing vacancy of E.D. Agent at Erumapetty Post Office, either on provisional basis or on a regular basis, within a period of two months from the date of communication of this order.


(N DHARMADAN) 12.3.91
JUDICIAL MEMBER


(SP MUKERJI)
VICE CHAIRMAN

12-3-1991

trs