

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 255/90  
XXXV

199

DATE OF DECISION 11-2-1991

PV Elachar

Applicant (s)

Mr K Gopalakrishna Kurup

Advocate for the Applicant (s)

Versus

The Director of Postal Services Respondent (s)  
Central Region, Office of the  
Central Region, Kochi & others.

Mr TPM Ibrahim Khan

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV 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

Mr NV Krishnan, A.M

The applicant has been working as a substitute ED Agent for intermittent periods at a number of places as mentioned in Annexure A3, supported by Annexure A4 series of charge reports.

It is stated that the regular incumbent Shri KM Balan on the post of ED Stamp Vendor at Parayil Kunnamkulam Post Office was appointed as a regular Postman in the Head Post Office at Kunnamkulam. On such appointment, Shri Balan was permitted to proceed on leave without allowances for the period 1.2.90 to 31.3.90. When he proceeded on leave, this applicant was appointed as a substitute.

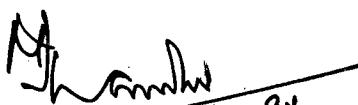
2 The applicant's grievance is that since then the department has taken steps to fill up the post of ED Stamp Vendor in Kunnamkulam Parayil Post Office on a regular basis. For this purpose, the recruiting authorities had sent a requisition to the Employment Exchange. The applicant apprehends her name would not be included in the names sponsored by the Employment Exchange and indeed, this has since been confirmed in the counter affidavit. The applicant prays that in view of her long experience, she is entitled to be ~~xxxxxxxxxxxxxx~~ appointed as ED Stamp Vendor in the Kunnamkulam Panayil Post Office and she seeks a direction to the respondents to consider her candidature for selection.

3 The respondents have filed a reply substantially admitting the facts mentioned above. It is submitted that Shri KM Balan was initially appointed to Group D Postman on a temporary vacancy. It is confirmed in the counter affidavit that Shri KM Balan has since been appointed as a regular Postman, Guruvayur Sub Division Kunnamkulam. The learned counsel for the respondents fairly conceded that from the date Shri KM Balan was absorbed on/regular basis as a Postman, the continuance of the applicant on the ED Post cannot be considered on the basis of her being a substitute of KM Balan, but it has been inferred that her continuance is on a provisional basis with the approval of the department, as has been held by this Tribunal in similar cases..

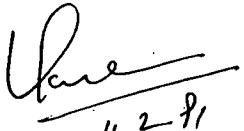
4. We have held in a large number of cases that an ED Agent who is holding ED Post on a provisional basis has a right to be considered when proceedings are initiated to fill up that post on a regular basis. On that consideration, we are of the view that the applicant in the present case, who is deemed to be holding charge on a provisional basis, is entitled to such consideration.

5. Accordingly, we dispose of this application with a direction to respondents 2 and 3 to consider the applicant also, whenever steps are taken to fill up the post of ED (Stamp Vendor) on a regular basis. Until a person is regularly selected and appointed, the applicant will continue to hold that post.

6. The application is disposed of with the aforesaid directions.

  
(N.Dharmadan) 11.2.91

Judicial Member

  
(N.V.Krishnan) 11.2.91

Administrative Member

11.2.91