

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 280 of 1995

Monday, this the 8th day of July, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

1. James Joseph,
S/o Joseph,
Extra Departmental Delivery Agent,
Udayagiri, Alakode,
Kannur District. .. Applicant

Versus

1. Union of India represented by
the Secretary,
Ministry of Communications,
New Delhi.
2. The Superintendent of Post Offices,
Kannur Sub Division,
Kannur.
3. The Sub Divisional Inspector of
Post Offices, Taliparamba Sub Division,
Taliparamba, Kannur.
4. E.S. Prabhakaran Nair
Extra Departmental Mail Carrier,
Arivilanjapoyil Branch Post Office,
Kannur (Dist)
5. C.T. George
Extra Departmental Delivery Agent,
Udayagiri Post Office, Alakode,
Kannur - 670 571 .. Respondents

By Advocate Mr. Shafik MA for Mr. TPM Ibrahim Khan, SCGSC (R1-3)

The application having been heard on 8th July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant who was appointed on a provisional basis as Extra Departmental Delivery Agent, Udayagiri challenges A-3 notice, informing him that his services will be terminated. According to applicant, his appointment is on the basis of a regular selection and hence his services cannot be terminated

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without valid reasons. He relies on the decision in State of Haryana and Ors Vs. Piara Singh and Ors [JT 1992 (5) SC 179] to support his case.

2. According to respondents, applicant was appointed only on a provisional basis and the vacancy is now being filled up by transferring a retrenched hand. The order of appointment (Annexure A-2) itself shows that applicant was appointed only on a provisional basis. Therefore, applicant cannot claim permanency, nor can this Tribunal interdict a regular appointment by transfer or direct recruitment.

3. Original Application is without merit and it is dismissed. Parties will suffer their costs.

Dated the 8th July, 1996

Sankaranair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

1. Annexure A2: True copy of Memo No. DA/80-93 dated 6/12/1993 issued by the 3rd respondent.
2. Annexure A3: True copy of notice/order No. DA/80/93 dated 24/1/95 issued by the 3rd respondent to the applicant.