

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 302 1991

T.A. No.

Dy. No. 1483/91

DATE OF DECISION 25.2.1991

J. Mohanachandran Applicant (s)

Mr. Thomas Mathew Advocate for the Applicant (s)

Versus

Asstt. Supdt. of Post Offices, Respondent (s)
South Sub Division, Quilon & Others

Mr. NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V. 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

(Mr. A.V. Haridasan, Judicial Member),

The applicant presently working as EDDA, Pallimoni in Quilon Division, as a substitute for Shri Janardhanan Pillai his father, who is on leave has filed this application under Section 19 of the Administrative Tribunals Act, praying that the respondents may be directed to consider him for appointment to the post of EDDA, Pallimoni on a regular basis.

It is averred in the application that the applicant has passed SSLC Examination, has all the qualifications required for holding the post, had been working in that post provisionally for a long time and as a substitute presently, that he had a total service of 880 days as EDDA, and that, though

he has submitted an application to the 1st respondent to consider him for regular appointment to the post of EDDA, Pallimon, the respondents are taking steps to interview the candidates sponsored by the Employment Exchange alone without considering his case. The applicant states that as he has been holding the post for a long time, and as he is qualified to hold the post, he has a preferential right to be considered for appointment on a regular basis. The applicant prays that the respondents may be directed to consider him for appointment to that post on a regular basis, and not to terminate his service till such consideration is made.

2. Shri NN Sugunapalan, the SCGSC took notice on behalf of the respondents.

3. We heard the counsel on either side. In cases of this nature, we have been consistently taking the view that, working EDDA's though not sponsored by the Employment Exchange should be considered for regular appointment to the post which they are holding provisionally or as substitutes. The counsel on either side agreed that the application may be disposed of with such a direction. Hence, we admit the application and dispose of the same with a direction to the respondents to make regular selection and appointment to the post of EDDA, Pallimon, after considering the candidature of the applicant also, though not sponsored by the Employment Exchange. The respondents shall consider the

previous service of the applicant in the post, and the other circumstances of the case, in accordance with law while considering his candidature. It is further directed that the applicant should be allowed to continue in service till the regular incumbent joins and that his services should be terminated only in accordance with law. There is no order as to costs.



25/2/91

(A.V.HARIDASAN)
JUDICIAL MEMBER



25/2/91

(S.P.MUKERJI)
VICE CHAIRMAN

25.2.1991