

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 309 1992.

DATE OF DECISION 15.1.93

K. T. Sunil Applicant (s)

M. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Sr. Supdt. of Post Offices Respondent (s)
Kottayam and others

M. C. Kochunni Nair, ACGSC Advocate for the Respondent (s) 1 & 2
M. O.V. Radhakrishnan for R-3

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
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. N. Dharmadan, Judicial Member

The applicant who has got prior service as EDBPM/
Edanadu P.O. is aggrieved by the refusal of the respondents
to consider him in the regular selection conducted pursuant
to the notification Annexure-I dated 20.1.92.

2. According to the applicant, he worked as EDBPM,
Edanad P.O. during the following period:

26.9.89	to	20.1.90
12.11.90	to	7.2.91
10.2.91	to	9.5.91
13.5.91	to	9.8.91
22.8.91	to	15.11.91
22.11.91	to	21.1.92
23.1.92 still continuing.		

3. Respondents in the reply statement admitted that
the applicant's name was also included in the list sent by

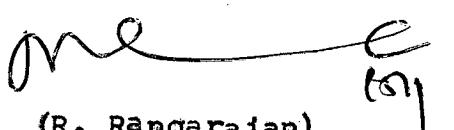
Employment Exchange and his right for appointment will be considered along with others as and when regular selection to the post is being made. They further stated that after Annexure A-1 notification for conducting the regular selection as EDBPM Edanadu P.O., an E.D. Agent who is working in the same post office applied for transfer as EDBPM in the same post office as he is fully qualified for the post. This request was accepted and he was selected for appointment without considering the names sponsored by the Employment Exchange. But he was not allowed to take charge because of the pendency of this O.A. and the interim order. The applicant is now working in the post on the basis of the interim order. Since respondents have decided not to conduct any regular selection to the post of EDBPM, the application has become infructuous and is liable to be dismissed.

4. Applicant has filed a rejoinder contending that even if the post of EDBPM is not going to be filled up by selection, the applicant will be prepared to work as E.D. Agent in the resultant vacancy which may arise on account of the transfer of the EDA on his appointment as EDBPM. He also submitted that in case it is not possible to appoint him to any of the posts, he may be given an alternative appointment and consider him as EDMC in the same post office.

5. Having regard to the prayer in this application and the circumstances stated in the reply that after the

notification Annexure-I the Department has decided to accept the request of the E.D. Agent who is working in the same post office who is also qualified for appointment as EDBPM and that he has been selected, it will be fair and proper to dispose of the application with appropriate direction. Respondents have admitted that in the next selection since the applicant's name was included in the list of candidates sent by the Employment Exchange, they would consider the claim of the applicant for appointment in the next arising vacancy of E.D. Agent. In the light of this undertaking, we feel that this application can be disposed of after recording the same. Therefore, the application is closed with the aforesaid observation.

6. The I.R. is vacated. However, we hope that the respondents shall consider the applicant for provisional appointment to the post of E.D. Agent if they propose to fill up the post provisionally until regular selection is made.
7. The application is accordingly disposed of
8. There shall be no order as to costs.


(R. Rangarajan)
Administrative Member


(N. Dharmadan)
Judicial Member

, 15.1.93

kmm