

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.313/07

Monday this the 4 th day of February, 2008.

CORAM:

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

P.V.Smitha,
W/o Manikantan,
Working as BPM, Vayalathur,
Thrissur District, residing at
Karippayil House, PO.Engandiyoor. Applicant

(By Advocate Shri. Pratap Abraham)

Vs.

1. Union of India, represented by its
Secretary, Department of Posts,
New Delhi.
2. The Senior Superintendent of Post Offices,
Thrissur Division, Thrissur-680 001.
3. Inspector of Posts,
Guruvayoor Sub Division,
Guruvayoor-680 101. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 4 th February, 2008,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant was initially appointed as GDS BPM, Vayalathur vide Annexure A-2 Memo dated 29.4.04 on provisional basis w.e.f.15.10.2003 in the vacancy which has arisen after the permanent incumbent to that post Shri V.Arumughan was placed under put off duty w.e.f. 2.5.2003. Later, she was appointed on regular basis with effect from 6.11.2006 when the said post actually fell vacant with the finalisation of the disciplinary proceedings pending against Shri Arumughan.



2. The respondents vide A-4 notification dated 7.3.07 invited applications from eligible GDSs for recruitment to the cadre of Postal Assistants in Trichur Division against the five unfilled vacancies of departmental quota of the year 2005. One of the eligibility conditions was that the GDS should have put in a minimum service of three years. The applicant applied for the said post in terms of the aforesaid notification but she was not permitted to appear in the examination on the ground that she did not have the requisite years of service. The contention of the respondents was that the service rendered by the applicant as GDS w.e.f 15.10.2003 to 5.11.2006 was only on provisional basis and her service from 6.11.2006 onwards only was regular. The applicant's contention was that since she was in continuous service as GDS BPM with effect from 15.10.2003 without any break, her entire period of service from that date should have been treated as regular for the purpose of permitting her to appear in the departmental examination.

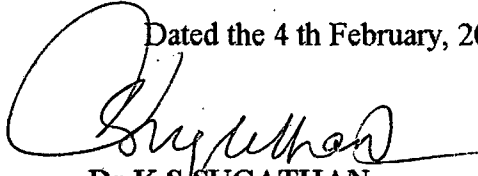
3. When this O.A. was heard initially, considering the prima facie case made out by the applicant in her favour, this Tribunal vide order dated 18.5.07 permitted her to take part in the aforesaid departmental examination and gave a direction to the respondents not to publish the results of the examination until further orders. After completion of the pleadings when this case was taken up for hearing, the counsel for the applicant submitted that further consideration of the case would depend upon the result of applicant in the examination. Accordingly, the respondents, on instructions to them from this Tribunal, produced the result of the examination in a sealed cover. On a perusal of the result, it is seen that none of the candidates including the applicant has qualified in the examination.


4. In the above facts and circumstances of the case, in our considered opinion, it is not necessary to go into the various grounds adduced by the applicant in the O.A. and the counter reply given by the respondents. We

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therefore, dismiss this O.A. as infructuous. There is no order as to costs.

Dated the 4 th February, 2008.


Dr.K.S/SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER