

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 344/90
~~KXXVXX~~

DATE OF DECISION 5-4-1991

Mariamamma Joseph Applicant (s)

Mr Thomas Mathew Nellimoottil Advocate for the Applicant (s)

Versus

The Head Postmaster Respondent (s)
Head Post Office, Alleppey
and others

Mr TPM Ibrahim Khan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member
and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? ^{Yes}
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

Shri N Dharmadan, J.M

The applicant was appointed in the post of Wash-boy in Postal Tiffin Room at Alleppey on 28.8.89 on a monthly salary of Rs 425/-. While she was continuing in that post, she was served with an order at Annexure A terminating her services w.e.f. 31.8.89 in order to fill up the post by making selection through the Employment Exchange. But she was not relieved from the post. Later, the Respondent-2 issued another order dated 18.9.89 at Annexure A-II stating that the services of the applicant is likely to be terminated, but actually her services were not terminated. The applicant made enquiry about this

and found that the Employment Exchange has sponsored names of candidates for appointment to the post of Wash-boy. At that time apprehending immediate termination, the applicant approached this Tribunal by filing this application.

2 On 26.4.90 we admitted this application and issued the following interim direction.

" As regards interim relief, we direct that the applicant should also be considered for selection provisionally and subject to the outcome of this application alongwith other candidates, even though she has not been sponsored by the Employment Exchange, if she is otherwise eligible. Status quo as regards her continuance in the present post be maintained until further orders".

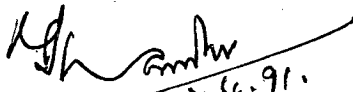
The applicant is now continuing in the present post but her services would be terminated unless she is selected in the proposed regular selection proceedings initiated by the respondents.


3 We are of the view that in the light of the interim direction already passed by us in this case, this application can be disposed of without going into merits of the case, excepting ^{entering a} finding that on account of the appointment of the applicant by Respondent-2 w.e.f. 28.2.89 and allowing her to continue in that post, she should be treated as a provisional candidate - eligible to be considered for regular selection, notwithstanding the fact that her name was not sponsored by the Employment Exchange. This Tribunal is consistently taking the view that persons occupying the posts on a provisional basis is entitled to be considered for regular selection by the respective competent authorities.

In this view of the matter, the applicant is also entitled to be considered for the regular selection.

4 Accordingly, we dispose of this application with direction to Respondent-3 to consider the claim of the applicant also in the regular selection to be conducted for the aforesaid post of Tiffin-boy in Postal Tiffin Room, Alleppey alongwith other candidates sponsored by the Employment Exchange and until such selection is made, the applicant should be allowed to continue in the present post which she is holding in terms of the interim order already passed by this Tribunal in this case.

5 The application is disposed of accordingly and there will be no order as to costs.


(N Dharmadan) 5.4.91.
Judicial Member


(NV Krishnan)
Administrative Member

5-4-1991