

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 389 of 1996.

Thursday this the 18th day of July 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P. Usha Devi,
W/o Sundarasewanan,
Panangode House, Ayakkad,
Vadakkencherry, Malabar,
Branch Post Master,
Panniyankara P.O.

.. Applicant

(By Advocate Shri K.S. Bahuleyan)

Vs.

1. Senior Superintendent of
Post Offices,
Palakkad Division,
Palakkad-678 001.

2. Sub Divisional Inspector
(Postal),
Alathur Sub Division,
Alathur-678 541. .. Respondents

(By Advocate Shri TR Ramachandran Nair, ACGSC)

The application having been heard on 18th July 1996,
the Tribunal on the same day delivered the following:

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant a provisional employee, seeks a direction to retain her as Extra Departmental Branch Postmaster, Panniyankara till regular appointment is made to that post. According to standing counsel for respondents, even for making a provisional appointment sponsorship by the Employment Exchange is necessary.

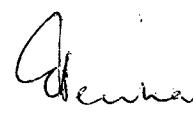
May be so. But, a provisional employee having been

appointed cannot be replaced with another provisional employee, in the light of the decision in State of Haryana and others Vs. Piara Singh and others, (AIR 1992 SC 2130).

The highest court in the land was apparently not happy about frequent rotations of provisional employees, and what it could lead to. In the light of the decision aforesaid, we direct respondents to retain applicant in her present position until a regular appointment is made, or until the regular incumbent of the post is reinstated.

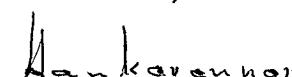
2. Application is allowed as aforesaid. No costs.

Thursday this the 18th day of July 1996.



P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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