

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 4/89

DATED WEDNESDAY THE FIRST DAY OF FEBRUARY
NINETEEN HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri G. Sreedharan Nair, Judicial Member

&

Hon'ble Shri N. V. Krishnan, Administrative Member

K. Krishnan Kutty

Applicant

Vs.

1. The Sub Divisional Inspector of
Post Offices, Neyyattinkara,
Trivandrum South Division

&

2. The Sr. Superintendent of
Post Offices, Trivandrum South
Division, Trivandrum

Respondents

Mr. K. R. B. Kaimal

Counsel for
applicant

Mr. P.V. Madhavan Nambiar, SCGSC

Counsel for
respondents

O R D E R

(Pronounced by Hon'ble Shri G. Sreedharan Nair)

Heard the counsel for the applicant as well as
the Sr. Central Government Standing Counsel, who has
entered appearance on behalf of the respondents.

2. The applicant has been provisionally appointed
as Extra Departmental Delivery Agent with effect from
9.4.1986 pending the disciplinary proceedings against
the permanent incumbent. Since steps are being taken
by respondents for making regular appointment to the
post, the applicant has filed this application to quash

such steps and for regularisation of his service.

3. We admit the application.

4. Since the application can be finally disposed of without a formal written reply from the respondents, and as the Sr. Central Government Standing Counsel has advanced his contentions, we proceed to dispose of the matter finally.

5. Since it is submitted that the appointment of the applicant was only on a provisional basis, the applicant cannot stand in the way of the steps being taken for regular appointment to the post. It was submitted by counsel for the applicant that in the panel sent by the Employment Exchange for consideration for regular appointment, the applicant's name is not there.


Evidently since the applicant is holding the post provisionally, his name would not have been sponsored by the Employment Exchange. In the nature of the case, that shall not be a disqualification in the applicant also being considered along with the nominees of the Employment Exchange when regular appointment is made, provided the applicant satisfies all the other eligibility conditions as per the service rules relating to Extra Departmental Agents.

6. We hereby direct the respondents to consider the applicant as well, as stated above, when regular appointment is being made to the post of Extra Departmental Delivery Agent of Kizharur Sub Post Office and not to terminate

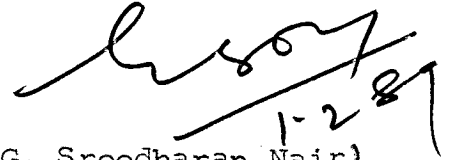


his service till such regular appointment is made.

7. The original application is disposed of as above.



(N. V. Krishnan)
Administrative Member
1.2.89



(G. Sreedharan Nair)
Judicial Member
1.2.89

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