FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.235/95, O.A.1521/95, O.A.45/96,
O.A.58/96, O.A.264/96, O.A.402/96 and
O.A.711/96

Friday, this the 21st day of June, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.235/95

PT Joshi,
Extra Departmental Delivery Agent,
Kombara Bazar.P.O. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Sub Divisional Inspector(Postal),
Kunnamangalam Sub Division,

2. The District Employment Officer,
Kozhikode.

3. Sriman Unni Nair,
Achothil House,
Konott.P.O. - Respondents

By Advocate Mr KS Bahuleyan for Mr TPM Ibrahimkhan, Senior Central Government Standing Counsel(for R.1)

By Advocate Mr D Sreekumar, G.P. for R.2

O.A.1521/95

N Sivanandan,
Koreth House, Njakkanal.P.O.
Krishnapuram, Kayamkulam,
Alapuzha. Applicant

..2...

By Advocate Mr MR Rajendran Nair

Vs.

1. The Sub Divisional Inspector
of Post Offices,
Kayamkulam Sub Division,
Kayamkulam.

2. The Employment Officer,
Kayamkulam Town Employment Exchange,
Kayamkulam.

3. The Superintendent of Post Offices,
Mavelikara Division,
Mavelikara. - Respondents

By Advocate Mr KS Bahuleyan for Mr TPM Ibrahim Khan, Senior Central Government Standing Counsel(for R.1&3)

By Advocate Mr D Sreekumar, G.P. for R.2.

O.A.45/96

G Girikumar,
Extra Departmental Mail Carrier,
Vilappilsala.P.O. Peyad,
Trivandrum. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Superintendent of Post Offices,
Trivandrum East, Sub Division,
Trivandrum.

2. The Assistant Superintendent of
Post Offices,
Trivandrum East Sub Division,
Trivandrum.

3. The District Employment Officer,
Trivandrum. - Respondents

By Advocate Mr Varghese P Thomas, Additional Central Government Standing Counsel(for R.1&2)

By Advocate Mr D Sreekumar, G.P. for R.3

..3...

O.A.58/96

Ramakrishnan.M.S.
Casual Labourer,
Manacaud.P.O. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Assistant Superintendent of Post Offices, East South Division, Peroorkada, Trivandrum-5.

2. The Director of Postal Services, Trivandrum.

3. The Chief Post Master General, Kerala Circle, Trivandrum.

4. The Divisional Employment Officer, Trivandrum. - Respondents

By Advocate Mr George Joseph, Additional Central Government Standing Counsel(for R.1 to 3)

By Advocate Mr D Sreekumar, G.P. for R.4

O.A.264/96

AP Sathy Devi,
Extra Departmental Packer(Provisional),
Kalanjoor.P.O.
Pathanamthitta District. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Sub Divisional Inspector(Postal), Office of the Sub Divisional Inspector of Posts, Adoor.

2. The Senior Superintendent of Post Offices, Pathanamthitta Division, Pathanamthitta.

3. The Employment Officer, Employment Exchange, Adoor. - Respondents

By Advocate Mr KS Bahuleyan for Mr TPM Ibrahim Khan, Senior Central Government Standing Counsel(for R.1 & 2)

By Advocate Mr D Sreekumar, G.P. for R.3

..4...

O.A.402/96

KG Girish Kumar,
Arthala House, Mangalam Lane,
Shasthamangalam.P.O.
Trivandrum-10. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Assistant Superintendent of
Post Offices,
Trivandrum East Sub Division,
Trivandrum-5.

2. The Employment Officer,
Employment Exchange,
Trivandrum. - Respondents

By Advocate Mr Mary Help John David J, Additional Central Government Standing Counsel(for R.1)

By Advocate Mr D Sreekumar, G.P. for R.2

O.A.711/96

Jayan C.R.
Extra Departmental Letter Box Peon
(Provisional),
Ernakulam Head Post Office,
Ernakulam. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Senior Post Master,
Head Post Office,
Ernakulam.

2. The Senior Superintendent of
Post Offices,
Ernakulam Division, Ernakulam.

3. The Chief Post Master General,
Kerala Circle, Trivandrum.

4. The Director General, Posts,
New Delhi.

5. The Employment Officer,
Employment Exchange, Kakkanad. - Respondents

By Advocate Mr Saji Varghese for Mr PR Ramachandra Menon, Additional Central Government Standing Counsel(for R.1 to 4)

By Advocate Mr D Sreekumar, GP. for R.5

..5...

The applications having been heard on 21.6.96 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The question arising for consideration in all these cases is the same; namely whether a provisional/substitute employee, is eligible for consideration for regular appointment, without sponsorship by the Employment Exchange. A Full Bench of this Tribunal in S Ranganayakulu V Sub Divisional Inspector (Postal) and others, (1995) 30 ATC 473(FB) held that the decision in EJ Edwin's case:

> "to the extent it holds that an Extra Departmental Agent working on provisional basis is eligible to be considered for a regular selection notwithstanding non-sponsoring of his name by the Employment Exchange, is not correct..."

The Full Bench decision squarely answers the question raised. Yet, counsel for applicants submit that the decision was rendered on the basis of an order of the department dated 4.9.82, later superseded by an order of 1988. If that is so(we are not sure) that may be a case of reviewing the order of the Full Bench, and not for departing from it.

2. The larger question whether provisional employees who have put in long years of service and who may not be eligible

..6...

for employment elsewhere, should be exempted from the rigours of sponsorship by the Employment Exchange, on equitable grounds, is a matter for the rule making authority to consider. We have come across cases where provisional employees who had worked for seven years and a decade, could not secure regular appointment for want of sponsorship by Employment Exchange. These are matters for the rule making authority to consider and we are sure that the rule making authority will consider these matters, if individual or effective collective representation, is made by affected persons. Applicants will be allowed to continue in their present position until regular appointments are made.

3. In the light of the decision of the Full Bench hereinbefore mentioned, we decline jurisdiction. No costs.

Dated, the 21st June, 1996.

Sd/-
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Sd/-
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

trs/216

CERTIFIED TRUE COPY
Date 26.6.96
Deputy Registrar