

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.403/2002

Tuesday this the 11th day of June, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

O.Dinesh Kumar
S/o Choyi, Orayanari House, PO.Parambil,
Kozhikode District - 673012,
presently working as EDDA, Branch Post
Office, Parambil, Kozhikode.

...Applicant

(By Advocate Mr. Cherian Varghese)

V.

1. The Union of India, represented by
the Secretary, Ministry of Communications,
Govt. of India, New Delhi.
2. The Superintendent of Post Offices,
Kozhikode Division,
Kozhikode District.
3. The Sub Divisional Inspector (Postal)
Calicut North, Kozhikode Dist.
673002.

...Respondents

(By Advocate Mr. C. Rajendran, SCGSC)

The application having been heard on 11.6.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who has been put in charge of the
post of Extra Departmental Delivery Agent, Parambil Branch
Post Office with effect from 23.1.2002 and is continuing as
such has filed this application for a direction to the
second and third respondents to regularise the appointment
of the applicant in the post of GDS (Mail Deliverer) ,
Parambil Branch Post Office and not to terminate the
services of the applicant as Extra Departmental Delivery
Agent at Parambil Branch Post Office.

Contd....

2. It is alleged in the application that earlier the applicant was initially put in charge of the office as a substitute from 2.2.90, that he was thereafter given provisional appointment from 9.4.90 to 7.6.90, that ^{when} his services were sought to be terminated he filed OA 821/90 which was disposed of directing the respondents to consider the candidature of the applicant also even if he would not be sponsored by the Employment Exchange when a regular selection is made allowing the applicant to continue on a provisional basis, that thereafter when the original incumbent on the post rejoined on the culmination of the departmental disciplinary proceedings against him the services of the applicant were terminated with effect from 25.6.92, that thereafter the applicant was put in charge of the office as a substitute for a few days in the year 1995 when original incumbent Mr.MV Viswanathan took leave, that again by Annexure.A6 order the applicant was put in charge of the post with effect from 23.1.2002, that he is still continuing there as a substitute and that therefore, he is entitled to be regularised on the post.

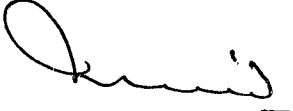
3. The Senior Central Government Standing Counsel took notice on behalf of the respondents and opposed admission of this application. We have heard Shri Cherian Varghese, learned counsel of the applicant and perused the materials placed on record. Even from the orders of the Tribunal produced by the applicant and marked as Annexure.A3 the claim of the applicant for regularisation at a time when he was working on a provisional basis was negatived by the Tribunal. It was held in that order that the applicant ^{was} ~~is~~ not entitled for any such regularisation.


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It was ordered that the applicant should also be considered when a regular selection is made. The applicant's services as a provisional E.D. Agent was terminated with effect from 25.6.92 when the original incumbent joined the post on the completion of the departmental proceedings against him. Thereafter, the applicant was engaged as a substitute for a few days in 1995 and now the applicant is working as a substitute from January, 2002 onwards. The claim of the applicant for regularisation therefore, cannot be accepted. Learned counsel of the applicant under these circumstances taking notice of this development states that the applicant would be satisfied if the applicant is also considered for regular selection on the basis of his application pursuant to Annexur.A7 notification even if his name may not be sponsored by the Employment Exchange. There is no objection to this course.

3. In the result, the application is disposed of declining the reliefs sought for in the application and directing the respondents that the application of the applicant for selection and appointment to the post of GDS Mail Deliverer, Parambil Branch Post Office be considered even if his name has not been sponsored by the Employment Exchange alongwith others. No costs.

Dated the 11th day of June, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-I: True copy of the charge report of the applicant takeover charge as EDDA.
2. A-II: True copy of the memo issued by the respondent the service of applicant from 9-4-90 to 7-6-90.
3. A-III: True copy of the decision of Hon'ble Tribunal passed in OA 821/1990.
4. A-IV: True copy of the relieving order issued by 3rd respondent dt.24.6.92.
5. A-V: True copy of the charge memo dt.25-7-95.
6. A-V(a): True copy of the charge memo dt.2.9.95.
7. A-VI: True copy of the charge report dt.23.1.2002.
8. A-VII: True copy of the notice issued by the 3rd respondent.

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