

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THE 10TH DAY OF MAY , 1999

Original Application No. 1275 of 1997

HON.MR.S.K.AGRAWAL, MEMBER(J)

HON.MR.G.RAMAKRISHNAN, MEMBER(A)

Giraj Kishore, S/o Sri Pursottam Sharma,
15/75, Isanagar, Sasnigate,
Aligarh

... . . . Applicant

(By Adv: Shri K.P.Srivatava)

Versus

1. Union of India, through the Secretary
(Posts) Ministry of Communication,
Department of Posts,
Govt. of India, New Delhi.
2. The Assistant Supdt. of Post Offices
Central Sub-Division,
Aligarh, U.P.

... . . . Respondents

(By Adv: Shri Prashant Mathur)

O R D E R (Oral)

(BY HON.MR.S.K.AGRAWAL, J.M.)

In this OA filed u/s 19 of the Administrative Tribunals Act the applicant makes a prayer to direct the respondents to consider the candidature of the applicant for the post of E.D.S.V of Civil Court post office, Aligarh alongwith other candidates. In brief the case of the applicant is that for the selection of the post of E.D.S.V civil court post office, Aligarh Employment Exchange Aligarh was called for names. The names were sponsored by the Employment Exchange but the name of the applicant was not sponsored. Applicant has filed his application directly to the appointing authority. It is submitted by the applicant that respondents are not considering the candidature of the applicant because his name was not sponsored by the employment exchange. Therefore he made a prayer by filing this OA to direct the respondents to consider his candidature and to declare the result.

Sukh

2. On interim prayer made by the applicant this Tribunal passed an order on 16.12.97 directing the respondents to consider the application of the applicant for the post of Extra Departmental Stamp Vendor, in case he fulfils the essential qualification required for the post. It is also provided that the result of the selection may not be declared till interim relief operates. Since then the interim order is continuing.

3. The counter affidavit was filed. In the counter affidavit it was stated that the case of the applicant was not considered because his name was not sponsored by the employment exchange but by the orders of this Tribunal is to be considered. It is admitted that the applicant has filed his application directly and he fulfils all the qualifications which are the eligibility criteria for the post. R.A has also been filed which is on record.

4. Heard the learned counsel for the applicant and learned counsel for the respondents.

5. Learned counsel for the applicant has argued that he has filed the application for the selection of the post of E.D.S.V, civil court post office Aligarh directly within the time specified for the same and he fulfils the eligibility criteria. Therefore as per decision given in 'Excise Superintendent, Malkapatnam, District Krishna Andhra Pradesh Vs. K.B.N. Vishweshwara Rao and Others reported in 1996(6)page 676, & 1996(2) SCC(L&S) page 1420, the case of the applicant should be considered and the result of the selection be declared for the post. We have also heard the learned lawyer for the respondents and also gave respectful consideration of the decision of the Apex court given in Excise Supdt, Malkapatnam, district Krishna Andhra Pradesh Vs. K.B.N. Vishweshwara Rao and Ors.

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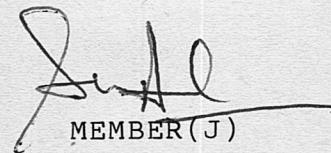
6. On the basis of the legal position as cited above and the facts and circumstances of this case we are of the opinion that the respondents must consider the candidature of the applicant who has filed the application directly within the time specified although his name was not sponsored by the employment exchange.

7. In view of the order of this Tribunal the respondents have already considered the candidature of the applicant. We, therefore, direct that the applicant is entitled to be considered for the post of E.D.S.V, civil court post office, Aligarh in response to the requisition alongwith others strictly in accordance with law and thereafter the results be declared.

8. With the above direction this OA is disposed of with no order as to costs.



MEMBER (A)



MEMBER (J)

Dated: 10.5.1999

Uv/