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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 89 of 1990

Date of decision: December 5, 1990.

Suryanarayan Rout ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. N.P. Choudhury,
R.S. Choudhury, Advocates.

For the respondents... Mr. Aswini Kumar Misra.
Sr. Standing Counsel (CAT)

C O R A M:

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

B.R. PATEL, VICE-CHAIRMAN, The post of Extra-Departmental Branch Post Master (E.D.B.P.M.) Kunua in the district of Dhenkanal fell vacant on 17.1.1989 and the incumbent retired on superannuation. The Department requested the local Employment Exchange to sponsor names of suitable candidates as required by the instructions on recruitment to such posts. The Employment Exchange, Hindol sponsored 10 names. The Department wrote to those 10 persons to apply in the proforma and to submit the required documents vide Annexure-R-4. On scrutiny of the applications and on

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consideration of all aspects the Department selected Respondent No.7 for appointment to the post of EDBPM. The applicant has contended that he worked on leave vacancy of EDBPM once from 1.3.1987 to 31.5.1987 and again from 1.6.1987 to 26.8.1987 and in view of his experience he should have been selected in preference to Respondent No.7.

2. The respondents have maintained in their counter affidavit that the applicant was not one of the candidates sponsored by the Employment Exchange and as such there was no opportunity on the part of the Department to consider his case.

3. We have heard Mr.N.P.Choudhury, learned counsel for the applicant and Mr.Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents and perused the papers. Admittedly, the applicant was not a candidate sponsored by the Employment Exchange. Admittedly also, there was no advertisement issued by the Department inviting applications from intending candidates. The applicant on his own sent in an application for his selection as Extra-Departmental Branch Post Master. The instructions issued by the Department on the appointment of Extra-Departmental agents are very clear. From Annexure-R-1 we find that appointment of Extra-departmental agents should be made through Employment Exchanges. We have further found from the extract of Director General, Posts & Telegraphs ' letter No.45-22/71-SPB 1(Pen) dated 4.9.1982 that in the event of the Employment Exchange failing to sponsor the minimum number of candidates

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the vacancy should be notified through public advertisements and while making the final selection, the comparative merit of all the candidates, i.e. those who respond to the notification as also those sponsored by the employment exchange should be taken into consideration. These instructions do not require the Department to entertain applications filed by the candidates even when there is no advertisement inviting applications. In this case, the Department going to the open market through advertisement did not arise because Employment Exchange sponsored as many as 10 candidates vide Annexure-R-4. On behalf of the applicant it was strenuously urged that undue favour was shown to Respondent No.7 by writing again to him for supplying the omission of filing of certificate by a competent authority. We are not in a position to appreciate this contention inasmuch as not only Respondent No.7 but with him others were also addressed and further it is the discretion of the competent authority to extend time for getting the documents and other particulars. We are also ^{not} satisfied that any rule or instructions on recruitment to such posts has been infringed.

4. In view of what has been stated above, we find no merit in the application which stands dismissed. No costs.

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Member (Judicial)

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Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 5, 1990/Saranghi.

