

M/s A.R.Das
N. Lenka
N. Das
CAT/1/11

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A. No..... 625.....1996

Ajit Kumar Naik.....Applicant(s)

Versus

Union of India & others.....Respondent(s)

Sr. No	Date	Order with Signature
		G.P.O. of Rs.50/- filed. B.M. 28-8-96

REGISTER

SV
Registrar

1 29.8.96

Heard Shri A.R.Das, learned counsel for the applicant and Shri Ashok Mohanty, learned Senior Standing Counsel for the Respondents. The grievance of the applicant in this petition is that his name has not been sponsored by the District Employment Officer, Mayurbhanj (Respondent 3) for the post of E.D.B.P.M., Kohi Branch Post Office. The post of E.D.B.P.M., Kohi Branch Post Office had fallen vacant due to superannuation of Shri Lalmohan Patra with effect from 31.7.1996. The Superintendent of Post Offices, Mayurbhanj Division (Res.2) sent a requisition to the District Employment Officer (Res.3) for sponsoring the names of eligible candidates for the said post. It is submitted that the District Employment Officer (Res.3) had sponsored about 40 names for consideration for the above post. The applicant states that he is a Matriculate and he has

This application
may be placed
for Registration.

Pl. 28-8-96

P.W.D.
S.O.

Registrar
SV

for admission
& interim order,
(with defects)

Pl. 28-8-96

Bench

Serial
No. of
OrderDate of
Order

Order with Signature

29.8.96 registered himself before the Baripada Employment Exchange bearing Registration No.C/1133/91. It is also mentioned that the applicant had never been sponsored earlier by the Employment Exchange. The last date for submission of names expired on 20.8.1996. The applicant finds that his name has not been sponsored and therefore for no fault of his, he is deprived from consideration. At para - 4.10 of the Original Application, it is submitted citing a Decision of the Supreme Court reported in AIR 1987 SC 1227 (Union of India - vrs. Hargopal) that under Section 4(4) of the Employment Exchange Act, the employers have no obligation to recruit persons only through the Employment Exchange. Learned Counsel for the petitioner also submitted that in the interest of equity and fair play, the scope of selection should be more broad based. This proposition is more relevant as the applicant is stated to be a Scheduled Caste candidate.

The Departmental instructions on the subject of recruitment are clear. The duty of the selectors is to send a requisition to the Employment Exchange to sponsor names of eligible candidates and when sufficient number of persons are not sponsored i.e. less than the prescribed number, then the Department can call for applications from the public by open notification. The instructions are clear that the sponsoring shall be done only through the Employment Exchange. Having

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Serial No. or Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
..1	29.8.96	<p style="text-align: center;"><i>is found</i></p> <p>said that, on the basis of the averments made in the petition, the applicant is qualified and is registered in the Employment Exchange. <i>Ex facie he</i> does not suffer from any infirmities ^{from} for being sponsored.</p> <p>In this view of the matter, I direct the Respondent 3, the District Employment Officer, Mayurbhanj, Baripada, to sponsor the name of the applicant within a period of two weeks from the date of receipt of this order (unless there is ^{any} maintainable legal bar in sponsoring his name) for the post of E.D.B.P.M., Kohi Branch Post Office and the Respondent No.2, Superintendent of Post Offices, Mayurbhanj Division shall consider the applicant's candidature so sponsored by Respondent 3 and till such time as Respondent 3 sponsored the applicant's name, the selection process shall not be finalised.</p> <p>The Original Application is disposed of as above.</p> <p>Hand over copies of the orders to the counsel for both sides.</p> <p>Shri A.R.Das, learned counsel for the petitioner has agreed to take the notice and copy of the order by (Dusti) hand. He is permitted to do so.</p> <p style="text-align: center;"><i>.....</i></p> <p style="text-align: center;">MEMBER (ADMINISTRATIVE)</p>	<p>A copy of the order No.1 dt. 29-8-96 may be given to the applicant counsel for dusti service or all respects The same copy of the order may also be given to the counsels for both sides</p> <p style="text-align: center;"><u>Sub</u> 2/9</p> <p style="text-align: right;"><i>Sub 2/9/96</i> S.O. 6 on leave</p> <p style="text-align: right;">C.O.</p>