

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A. No.....

757

1996

Satnughang Sahu.....Applicant(s)

Virendra Singh.....Respondent(s)

Order with Signature

Sr. No	Date	Order with Signature
	14.X.96	<p style="text-align: center;">REGISTER</p> <p style="text-align: center;">Sri Registrar</p> <p>1. P.O. for Rs.50/- has been filed. For Regn. pl.</p>
1 15.10.96		<p>Shri Pradipta Mohanty is busy says Shri G.Sahu on his behalf. Adjourned to 12.11.1996.</p> <p style="text-align: right;">Narain Singh MEMBER (ADMINISTRATIVE)</p> <p>14-X-96</p> <p>For Admin. & I.O.P. Registration</p>
2. 12.11.96.		<p>Heard Sri Pradipta Mohanty, counsel for the applicant and Sri Ashok Mohanty, Senior Standing Counsel for the respondents. The prayer in this application is to direct the respondents for considera- tion of the applicant's case for recruitment to the post of E.D. Stamp Vendor in Rairangpur H.O. The applicant had been working as a contingent Pump driver or casual labourer since 20.4.1991 in the office of the Postmaster, HSG-II, Rairangpur, respondent No.3, and is continuing in this post till date on the basis of Annexure-1 which is the certificate given by the</p> <p>14/11/96</p> <p>For Adm. pl. Bench</p>

Serial No. of Order	Date of Order	Order with Signature
2 dt.12.11.96 continued.		<p style="text-align: center;">- 2 -</p> <p>Postmaster, Rairangpur H.O., respondent No.3. The post of E.D. Stamp Vendor fell vacant since 16.9.1996 as the then incumbent was selected to the post of a Postman cadre. The applicant had represented to the respondent No.3 by a representation dated 5.1.96 and subsequently in another representation dated 27.3.96 he requested that his case be considered. Both the representations have been annexed to this Original Application as Annexures- 2 and 3. As matters stood thus, by requisition dated 8.5.96 the respondents called for the names from the Employment Exchange Rairangpur for recruitment to the said post. At para-v.on page 5 of the application it has been mentioned that one possible reason why the applicant was ignored was because the applicant was not a permanent resident of Rairangpur N.A.C. area and therefore, the Employment Exchange did not sponsor his name. Learned counsel for the applicant Sri Pradipta Mohanty has brought to my notice the circular of the D.G.P. No.17-141/88-EDC & Trg.dated 6.6.88 at pages 86-87 of Swamy's Service Rules for ED Staff, 6thEdn.1995 wherein preference to casual labourers in the matter of appointment as ED Agents has been directed provided they fulfil all the conditions and have put in a minimum service of one year. It is also mentioned that the service of 240 days in a year may be reckoned as one year service.</p> <p>2. In the above conspectus of facts, this O.A. can be disposed of by issuing a direction to the respondent No.2 Superintendent of Post Offices, Mayurbhanj Division, Baripada. Respondent No.2 is directed to consider the applicant's case for the post of E.D. Stamp Vendor in Rairangpur Head Office</p>

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Serial No. of Order	Date of Order	Order with Signature O.A.No.757/96	Office note as to action (if any) taken on order
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2 dt.12.11.96
continued.

irrespective of ~~the fact~~ whether the Employment Exchange has sponsored his name or not. As the law stands, the condition of residential status or the condition of sponsoring of name by the Employment Exchange has no material bearing on any public recruitment. These conditions, as determinants of any public appointments are already declared to be unconstitutional. The respondents, subject to their satisfaction that the applicant fulfills all the requirements necessary for the post, shall consider the applicant's case along with others for the post of E.D. Stamp Vendor in Rairangpur H.O. With this direction, the Original Application is disposed of.

DJ.

Thanas, whsaham,
(N. Sahu) 12/11/96
Member (Administrative).

Order no. 2
Dt. 12.11.96

A copy of Order along with the application may be sent to all Respondents by Regt. Post / A.D. The copy of Order may be given to both counsels.

15/11/96

15.11.96
S.O. (T)

Received the order
dt 12.11.96

D. S. Sahu
15.11.96

Received the order
dt 15.11.96