

M/P Pradipta Mohanty  
D.N. Mohapatra  
Gyaneswar Sahoo  
CAT / 1 / 11  
Smt. J. Mohanty

(A)

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./R.A.No. 904 ..... 1996

Gopinath Modi ..... Applicant (s)

Versus  
Union of India ..... Respondent (s)

Mr. S.C. Samantray

Sr. No. Date

Order with Signature

24.12.96

REGISTER

Registrar

1 26.12.96

Heard Shri Pradipta Mohanty, learned counsel for the applicant and Shri S.C. Samantray, learned Additional Standing Counsel for the Respondents. The applicant has been continuously working as E.D.M.M. as substitute from 3.5.1988 to 1993. The post of EDMM fell vacant since 1993 and the applicant has been working in Keonjhar Garh Sorting office, Keonjhar Garh in the said post. Annexure-1 is a certificate from the Sub-Record Officer to the effect that the applicant has been working as a substitute and also coolie voucher against vacant post of EDMM since 3.5.1988. He has passed Class IX as is evident from Annexure-2 which is a Transfer Certificate in support of his educational qualification. He registered himself in Keonjhar District Employment Exchange upto August, 1977 as per Annexure-3. For the post of EDMM Keonjhar Garh Sorting Office, Respondent 2 called names from the Employment Exchange of Keonjhar, but the applicant's name

200 fee Rs 50/-  
Filed

Fee Regn. please

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Bench

Serial  
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Order

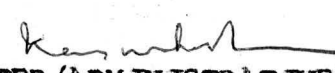
Order with Signature

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..1 26.12.96 was not sponsored. The applicant has represented before the Respondents for consideration of his name on the strength of his experience as EDMM contingent worker in Keonjhargarh Sorting Office since May, 1988. Learned counsel for the applicant Shri Mohanty has drawn my attention to the D.G.P & T letter No.17-141/88-EDC.Trig. dated 6.6.1988 wherein it has been stated that preference should be given to the casual labourers of different categories ~~after~~ for their permanent absorption in the E.D.posts. The apprehension of the applicant is that he might not be considered as the Employment Exchange did not sponsor his name although his name has been registered as per Annexure-3. According to the Supreme Court, restricting the field of recruitment to public posts only to candidates sponsored by the Employment Exchange is unconstitutional and restricts the field of choice and deprives other eligible candidates from appearing and competing for public posts. In view of this, Respondent 2, Inspector of Railway Mail Services, 'N' 1st Sub-division, Cuttack is hereby directed to accept the application of the applicant for the post of EDMM, Keonjhargarh Sorting Office to be filed by him within 10 days from to-day and consider his case along with others for the said post giving due weightage <sup>to</sup> his experience as EDMM from 3.5.1988 till date, provided that the post of EDMM, Keonjhargarh has not been filled up so far.

With this direction the Application is disposed of.

Hand over copies of the orders to the counsel for both sides.

  
MEMBER (ADMINISTRATIVE)