

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.395 of 1997

Present : Hon'ble Dr.B.C.Sarma, Administrative Member.
Hon'ble Mr.D.Purkayastha, Judicial Member.

KRISHNA CHANDRA MONDAL & ORS.

... Applicants

Vs.

1. Union of India through the Secretary,
Ministry of Communication (Telecom
Post Offices), Jogajog Bhawan, New Delhi-1.
2. Superintendent of Post Offices, Birbhum
Division, Suri District, Birbhum.
3. Officer-In-Charge, Employment Exchange,
Rampurhat, District : Birbhum.

... Respondents

For the applicants : Mr.Balai Chatterjee, counsel.
Ms.B.Mondal, counsel.

For the respondents : Mr.B.Mukherjee, counsel.

Heard on : 25.4.1997

Judgment on : 25.4.1997

J U D G M E N T

B.C.Sarma, A.M.

The dispute raised in this application is about the alleged denial of opportunity to the applicants for being considered for appointment to the post of E.D.B.P.M., Kahinagar Branch.

2. The applicants contend that adequate publicity was not given by the respondent no.2, Superintendent of Post Offices, Birbhum Division for filling up the post of EDBPM and although the applicants were senior in the manner of registration in the employment exchange, the respondent no.3, who is also the Incharge of the Employment Exchange, Rampurhat, did not recommend their names. Being aggrieved thereby, the instant application has been filed with a prayer that a direction be issued upon the respondent no.2 not to fill up the post of



Branch Post Master for the village Kahinagar, P.S.Murarai,
District : Birbhum, without calling the applicants for test
alongwith others named in para 1.1 of the application.

3. No reply has been filed in this case and we find an interim order was passed ex parte on 11.4.1997 to the effect that any action taken after that date by the respondents, shall abide by the result of the application. However, when the hearing of the matter was taken up today, Mr.B.Mukherjee, counsel for the respondents, strongly opposes the maintainability of the application on the ground that the basic grievance of the applicant is against the employment exchange, Rampurhat, who did not recommend the names of the applicants, although registered with that exchange. Mr.B.Mukherjee also submitted that there are instructions to the effect that the post of ED Agents have to be filled up through the employment exchange of the area and in this connection he relies on D.G.P&T's letter No.43-233/84-Pen dated 1st May, 1986, as mentioned in Swamy's Compilation of Service Rules for Extra-departmental Staff in Postal Department. However, Mr.Balai Chatterjee, Id.counsel, leading Ms.B.Mondal, submits that it was incumbent on the part of respondent no.2 to give adequate publicity regarding filling up the post of EDBPM and this was not done. Therefore, the action taken cannot be sustained. In this connection, Mr.Chatterjee has invited our attention to DG P&T's letter No.43-40/65-Pen dated 19th January, 1968.


4. We have heard the submission of the Id.counsel for both the parties, perused the records and considered the facts and circumstances of the case. We find that the basic dispute raised by the applicants is against the Officer Incharge of the employment exchange, Rampurhat, who is not under the jurisdiction of this Tribunal. But at the same time, the applicants have also raised another grievance about the fact that the respondent no.2 who is the Superintendent of Post

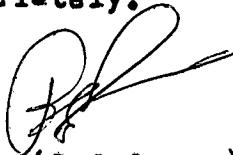


Offices, Birbhum District, did not give adequate publicity regarding filling up of this vacancy. In this respect the two D.G.P&T's letters to which we have already adferred to have been carefully perused by us. The letter on which Mr.B. Chatterjee relies is one which was issued in 1968 whereas the letter on which Mr.B.Mukherjee has placed reliance is a letter issued in 1986. There is no doubt that till the issuance of the letter dated 1st May, 1986, the letter dated 19th January, 1968, had prevailed in all cases. But once it was decided by the Government that the vacancies for the ED posts ^{are required} ~~have~~ to be filled up by inviting recommendation from the employment exchange, to that extent the letter dated 19th January, 1968, became restricted. In other words, the letter dated 19th January, 1968 shall be operated only if the vacancy cannot be filled up from the employment exchange. This being the position, we do not find any justification in the argument advanced by the Id.counsel for the applicants.

5. We hold that this Tribunal does not have any justifiable ground to allow the prayer of the applicants. The ^{application} ~~matter~~ is dismissed. No order is made as to costs.

6. Interim order stands vacated immediately.


(D. Purkayastha)
Judicial Member


(B.C. Sarma)
Administrative Member