

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 461 of 1997

Wednesday this the 23rd day of April, 1997

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M. Surendran,  
working as ExtraDepartmental  
Delivery Agent, Chengottur,  
residing at Melepurakkal House,  
PO. Chengottur,  
Via. Kottakkal, Malappuram Dist. .... Applicant

(By Advocate Mr. Ramprasad Unni)

Vs.

1. Union of India represented by Chief Post Master General, Kerala Circle, Thiruvananthapuram.
2. The Superintendent of Post Offices, Thirur Division, Thirur.
3. Sub Divisional Inspector of Post Offices, Kottakkal Sub Division, Kottakkal. .... Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 23.4.1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicant who is now working as Extra Departmental Delivery Agent, Chengottur on a provisional basis has prayed for the following reliefs:

- (i) to declare that the proposal of termination of the services of the applicant as Extra Departmental Delivery Agent of Chengottur is illegal and void.
- (ii) to issue a direction to the respondents not to continue the proceedings pursuant to Annexure A1 as the same is contrary to rules.
- (iii) to declare that the applicant is entitled to continue as Extra Departmental Delivery Agent in accordance with the Rules.

✓ contd...

(iv) to grant such other reliefs and prayers that this Hon'ble Tribunal deem fit and proper in the circumstances of the case.

2. The father of the applicant who was a regular E.D. Delivery Agent in the Extra Departmental Post Office has obtained premature retirement on medical invalidation. Thereupon the applicant was engaged on a provisional basis. His claim is that he is entitled to be regularly appointed to that post. The applicant has stated that in the notification made by the respondents to the Employment Exchange inviting applications for the post a stipulation has been made that the candidates belonging to Kottakkal village will be preferred and that stipulation is against the declared policy of the department as the general policy is that the EDDA would normally reside in the village in which the post office is situated.

3. The counsel for the respondents under instructions from the department has stated that in the requisition sent to the Employment Exchange by mistake Kottakkal Village had been mentioned instead of Ponmala village and this defect has since been rectified. He has also stated that the Employment Officer has forwarded applications of persons belonging to all the villages and that all the candidates sponsored will be considered. In view of the ruling of the Hon'ble Supreme Court in Excise Superintendent Malkapatnam, Krishna District, AP. Vs. KBN Visweshara Rao and others, 1996(6) Scale 676 the respondents are/bound to consider the candidature of those who have been sponsored by the Employment Exchange but also those who have applied for the post on the basis of the notification.

contd....

Learned counsel for the respondents states that if the applicant makes an application his case also would be considered. It is also stated that the selection process has not yet been finalised in view of the interim orders passed by this Tribunal.

Learned counsel for the applicant states that if the respondents are directed to consider the applicant also for selection and appointment as EDDA, Chengottur, the applicant would be satisfied.

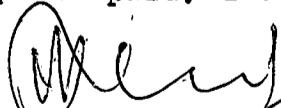
4. In the light of the above submissions by the learned counsel on either side, the application is disposed of with the following declarations/directions:

- (i) The applicant's prayer in sub-para (i) to (iii) of para 8 are not granted.
- (ii) The applicant may if he choose put forth his candidature for appointment to the post of EDDA, Chengottur by submitting an application to the third respondent within ten days from today.
- (iii) The respondents shall finalise the selection and make appointment to the post of EDDA Chengottur only after considering the candidature of the applicant, if the applicant makes an application within the time as aforesaid.
- (iv) Till such time a regular selection and appointment is made, the services of the applicant shall not be terminated.

5. There is no order as to costs.

Dated the 23rd day of April, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURE

Annexure A-1: True copy of the Requisition with  
employment Exchange issued by the  
Sub Divisional Inspector,  
Kottakkal dated 10.2.1997.

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