

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.484/98

Thursday the 28th day of May 1998.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

B. Abdul Jaleel
Casual Labourer
All India Radio, Kavaratti
R/o Bommali House
Kavaratti,
Union Territory of Lakshadweep.

...Applicant.

(By advocate Mr Shafik MA)

Versus

1. Union of India represented by
Secretary
Ministry of Information & Broadcasting
New Delhi.
2. The Station Engineer/Director
All India Radio
Kozhikode.

...Respondents.

(By advocate Mr James Kurian, ACGSC)

The application having been heard on 28th May 1998,
the Tribunal on the same day delivered the following:

O R D E R

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

Applicant who has been rendering service of casual nature as Helper, coming to know that the second respondent is taking steps to fill up a ^{Group-D} post of Helper, submitted an application on 20.3.98 that he may also be considered for selection and appointment to the post ~~of~~ alongwith candidates sponsored by the employment exchange as the employment exchange has not sponsored his name. Since the Officer in charge of All India Radio, Kavaratti allegedly told the applicant that his candidature would not be considered as valid without being nominated by the employment exchange, applicant has filed this

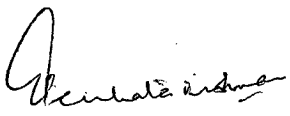
application for a declaration that he is entitled to be considered for selection and appointment as Group-D Helper, AIR, Kavaratti and for a direction to second respondent to consider him for selection and appointment as Helper though his name has not been sponsored by the employment exchange.

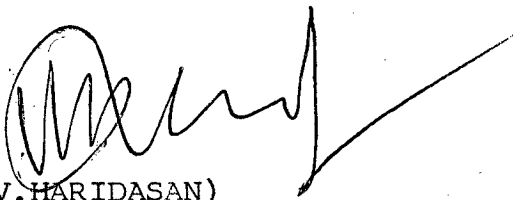
2. When the application came up for hearing on 27.3.98, learned counsel for respondents sought time to get instructions. An interim order was passed directing that if any interview is held for selection to the post of Group-D Helper, All India Radio, Kavaratti, the applicant shall also be considered provisionally and subject to further directions, though his name may not be sponsored by the employment exchange. Respondents have now filed a reply statement in which they contend that in view of the provisions of Employment Exchange Compulsory Notification Act, it is not possible to consider the candidature of the applicant as the applicant's name has not been sponsored by the employment exchange.

3. We have heard learned counsel on either side. In view of the ruling of the Hon'ble Supreme Court in Excise Supdt., Malkapatnam, Krishna District, A.P., Vs. KBN Visweswara Rao & others, reported in 1996 (6) SCC 216, and another decision reported in 1997 (2) SLR 130, as the applicant has put forward his candidature, the respondents have to consider his case also though his name has not been sponsored by the employment exchange. Therefore, we allow this application and direct the respondents to consider the candidature of the applicant also for selection and

appointment to the post of Group-D Helper under the second respondent though his name has not been sponsored by the employment exchange, as he has already put forth his candidature in an application filed by him. No costs.

Dated 28th May 1998.


(P.V. VENKATAKRISHNAN)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

aa/28598