

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A No. 503 of 1996.

Thursday this the 19th day of June 1997.

CORAM:

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

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

C.R. Sureshkumar,
S/o Chandrashekharan Pillai,
Aswathy Bhavan (Jayavilasom)
Panayancherry, Anchal.

.. Applicant

(By Advocate Ms. Sarah Selvi)

Vs.

1. Union of India represented by
the Secretary to the Department
of Posts, Ministry of Communications
New Delhi.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. Senior Superintendent of Post
Offices, Pathanamthitta Division,
Pathanamthitta.
4. The Sub Divisional Inspector of
Post Office, Punalur Sub Division,
Punalur.
5. The Head Post Master, Punalur
Head Office, Punalur.
6. The Sub Post Master,
Lower Selection Grade, Anchal.
7. The Director of Employment,
Kerala, Thiruvananthapuram.
8. Town Employment Officer,
Punalur.

.. Respondents

(By Advocate Shri. TPM Ibrahim Khan, SCGSC (for R.1-6)

The application having been heard on 19th June 1997,
the Tribunal on the same day delivered the following:

....2/-

O R D E R

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

The applicant was working as a substitute Extra Departmental Messenger in Anchal Post Office. He had registered his name at the Employment Exchange, Punalur in 1987. Applicant contends that the posts of Extra Departmental Agents which were vacant in Thadicadu and other Post Offices under Anchal Division were filled up without resorting to the prescribed procedures. The name of the applicant was not sponsored by the Employment Exchange for any of the vacancies. Applicant has also a grievance that he was paid salary only upto 15th February 1996 and thereafter, his services have not been utilised by the respondents. Applicant had earlier filed an O.A. No. 309/96 which was permitted by the Tribunal to be withdrawn with liberty to file a fresh application impleading all the necessary parties including the higher officials in the concerned field. This application has, therefore, been filed for the same relief and for certain other ancilliary reliefs. Applicant prays that the proceedings initiated to select and appoint ED Agents at Post Offices coming under the Anchal and Punalur divisions without considering the applicant be quashed and for a declaration that he is entitled to be considered for selection to the post of ED Agents to be notified thereafter. There is also a prayer that the applicant be included in the list to be sponsored by the 8th respondent and to select the applicant for appointment to the said post. There is a prayer to pay the salary for the period after 15th February 1996.

.....3/-

2. Respondents submit that the applicant absconded from 13.2.96 and therefore, since he was only a substitute another person was engaged in his place to manage the day-to-day work. The applicant had been authorised to work as a substitute upto 29.2.96 only. Respondents also submit that the Employment Exchange was addressed to sponsored candidates and that the applicant who had only the educational qualification of S.S.L.C.(failed) was not sponsored by the Employment Exchange. According to respondents, the list from the Employment Exchange was not received within the prescribed period of 30 days and the selection was made on 15.10.94 on the basis of applications received in response to open notification made as per the rule.

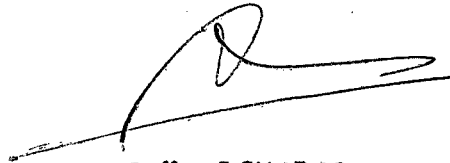
3. We see that the applicant was only working as a substitute and cannot claim that his name be considered for selection as long as he has not applied in response to any notification. If his name was not sponsored by the Employment Exchange then he cannot have a grievance against the respondents 1 to 6 that he was not considered for selection. According to respondent No.8, the applicant was not senior enough to be sponsored by the Employment Exchange. The seniority of registration of the applicant is only from 9.6.87 whereas the candidates who were sponsored had seniority from 5.2.74. In as much as the applicant did not apply for the vacancy against the notification and in as much as the applicant has not been sponsored by the Employment Exchange we see no infirmity in the selection process being finalised without considering the case of the applicant. We also

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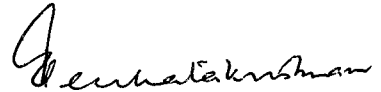
see no reason to grant the prayer of the applicant for salary from 15.2.96 since any such grievance can only be put forward by the incumbent of the post and not by the substitute nominated by him. The other prayer regarding the calling of records relating to appointment as ED Agents during the period 1994-95 and 1995-96 cannot also be granted, since those records are not required to decide the issues before us nor do we discern any locus-standi in the applicant to call for those office records.

4. In the result, the application is dismissed.
No costs.

Dated the 19th June 1997.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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