

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 52/94

Tuesday, this the 21st day of June, 1994

HON'BLE SHRI N. DHARMADAN (J)
HON'BLE SHRI S.KASIPANDIAN (A)

L. Vijayamma,
Valluvangad South, Pandikkad,
Manjeri, Malappuram District. .. Applicant

By Advocate Shri P. Sanjay.

V/s

1. The Superintendent of Post Offices,
Manjeri Division, Manjeri 676 121.
2. The Sub-Divisional inspector,
Dept. of Posts, Perinthalmanna
Sub-Division, Perinthalmanna.
3. The District Employment Officer,
Malappuram. .. Respondents

By Advocate Shri C.Kochunni Nair, SCGSC. (R. 1 & 2)
By Advocate Shri D. Sreekumar, G.P. (R. 3)

ORDER

N. DHARMADAN (J)

The applicant is approaching this Tribunal for the second time for getting appointment as EDBPM, Valluvangad Post Office, on the ground that she has prior service in the same Post Office from 1986 onwards.

2. At the time when the incumbent to the post, Shri Balakrishnan Nair, retired on 28.2.94, a regular vacancy arose in the Post Office and the applicant apprehended that her case would not be considered even though she is fully qualified and eligible for appointment. Accordingly, she filed O.A. 2290/93 with the specific plea that she is

entitled to be appointed in the vacancy and that a direction be issued to consider her along with other candidates sponsored by the Employment Exchange. After hearing the learned counsel on both sides, we directed respondents to consider the applicant also. Annexure-IV notice was issued by the third respondent indicating that the post is reserved for ST community and names of persons belonging to that community alone would be considered. The grievance of the applicant is that the action of the respondents adversely affected her chance for posting and Annexure-IV is illegal.

3. Respondents 1 & 2 and 3 have filed separate reply statements. They have stated that the present vacancy is earmarked for ST and if a S.T. candidate is not available, names of SC candidate can be sponsored for consideration. They have produced Annexures-R1 and R2 in support of their statements in the reply.

4. Annexure-R1 is the requisition to the Employment Exchange, the 3rd respondent, to sponsor candidates for selection, in which it is stated that the post is reserved for ST community. Annexure-R2 is another letter sent to the District Employment Exchange, Malappuram, informing that if ST candidates are not available, SC candidates can be considered and forward names for selection on that basis. These are all earlier documents and they establish that the vacant post is earmarked for SC/ST. In that event, the applicant cannot make any claim for selection and appointment. However, the applicant filed rejoinder denying the averments in the reply. But, she has not produced any record to establish malafides on the part of the respondents.

5. The only question that emerges for consideration is as to whether the aforesaid post is reserved for ST/SC. As indicated above, if it is reserved for ST/SC, applicant has no case. From the available document it is clear that at the time when the vacancy arose in the Post Office, the Department has taken a decision considering the necessity of filling up the post by ST/SC, as if ST/SC candidates are not sufficiently represented in the Division, that the present vacancy can be filled up by ST/SC community candidate. On the basis of the available documents, we are satisfied that the respondents have taken a valid decision that the post is reserved for ST/SC community and hence the applicant has no right for appointment to the present vacant post.

6. In this view of the matter, we see no merit in the application; it is only to be rejected.

7. But, having regard to the fact that the applicant had worked in the Post Office from 1986 onwards, she has acquired a right either to be considered in the next arising vacancy which is not reserved for SC/ST, in accordance with the rules or to be included in the list of candidates waiting for appointment in the vacancies that may arise in future. We, therefore, hope that the respondents will consider the claim of the applicant for regular appointment to an E.D. post which may arise in the Division. With these observations, we dismiss the original application.

8. There will be no order as to costs.

S. Kasi Pandian

(S. KASIPANDIAN)
MEMBER (A)

N. Dharmadan
21.6.94

(N. DHARMADAN)
MEMBER (J)