

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
~~515/90~~

515/90

1990

&

567/90

DATE OF DECISION 16.7.90

Lakshmanan.K. (in O.A. 515/90) Applicant (s)
P. Gopinathan (O.A. 567/90)

Mr. OV Radhakrishnan (515/90) Advocate for the Applicant (s)
Mr. A.K. Basheer (567/90)
Versus

Supt of Post Offices, Kannur Respondent (s)
and others (in both cases)

Mr. TPM Ibrahim Khan Advocate for the Respondent (s)
for R.1-3
Mr. MR Rajendran Nair-for R.4 in both cases

CORAM:

The Hon'ble Mr. S.P. Mukerji, Vice Chairman

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

Since the reliefs claimed in this application and O.A. 567/90 are inter connected, we have called the case file in O.A. 567/90 also before us. Shri A.K. Basheer, learned counsel for the applicant in O.A. 567/90 is also present before us. Shri Ibrahim Khan represents the Department of Posts in both these applications. Shri M.R. Rajendran Nair represents Respondent No. 4 in both these applications. With the consent of all the learned counsel present the two applications were heard and ^{one} disposed of by a common order as follows.

2. These two applications are related to the question of regular selection for the post of Extra Departmental Sub Post Master at Kozhummal. The applicant in O.A. 515/90 avers that he had been provisionally selected in that post for which names were called for from the Employment Exchange. The contention of Respondent No. 4 in both these applications is that he was finally selected for the post, the fact which is corroborated by the Department of Posts. It appears that both the applicants

were not selected or considered for selection on the ground that they were not residing within the delivery jurisdiction of the Post Office at the time of applying for the post. The applicant in O.A.567/90 has contended further that he had obtained the highest marks in the S.S.L.C. and has been residing in the same village in which the Post Office is situated. The contention of the applicant in O.A.515/90 is also that he is a resident of the same village in which the aforesaid Post Office is situated and that he had obtained more marks than respondent No.4. It may be noted that the Post of Extra Departmental Sub Post Master has not yet been filled up but respondent No.4 in both the applications who had been selected and given 5 days^{of} training is still waiting for formal orders of appointment. No appointment has been made so far because of the interim orders passed by this Tribunal.

3. Having heard the learned counsel for ~~all~~ the parties present before us we find that the case should not be delayed further as the post is lying vacant for quite some time. The learned counsel for all the parties fairly agreed that they will have no objection in view of the controversies raised in the two applications, to have a fresh selection made.

4. In the above facts and circumstances we close both these applications with the direction to the respondents 1 to 3 that a fresh selection from amongst the candidates already nominated by the Employment Exchange should be made for the post in accordance with law after considering

their eligibility. We also direct that the decision taken by this Tribunal in O.A.30/90 and O.A.525/89, notwithstanding the order of PMG at Exbt.A.3 in O.A.515/90 (Exbt.A.4 in O.A.567/90) for eligibility for the post of Extra Departmental Branch Post Master or Sub Post Master, that the residential qualification would pertain only to residence within the village in which the Post Office is situated irrespective of the fact whether the candidate is residing within or outside the delivery zone of that Post Office. The impugned order at Exbt.A.3 in O.A.567/90 is accordingly quashed. The action on the above lines should be completed within a period of one month from the date of communication of this order.

5. The aforesaid two applications are disposed of on the above lines. There will be no order as to costs.

6. A copy of this order may be placed in both the files.

N. Dharmadan
(N. DHARMADAN)

JUDICIAL MEMBER

16.7.90

S. P. Mukerji
(S.P. MUKERJI)

VICE CHAIRMAN

16.7.90

Ksn.