

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 567 of 1992
~~T. A. No.~~

DATE OF DECISION 7-8-1992

Mr RV Ambili Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Sub Divisional Inspector, Respondent (s)
(Postal), Kottarakkara & 2 others

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (x)-1
Mr D Sreekumar, GP for R-2

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN
&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *yu*
2. To be referred to the Reporter or not? *W*
3. Whether their Lordships wish to see the fair copy of the Judgement? *W*
4. To be circulated to all Benches of the Tribunal? *W*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The subject matter of this application is appointment to the post of Extra Departmental Delivery Agent(EDDA), Sadanandapuram Post Office. The applicant is a Matriculate and had registered his name with the Employment Exchange, Kollam on 25.5.1977. The 1st respondent initiated proceedings for Sadanandapuram selection for appointment to the post of EDDA, by placing a requisition in the Employment Officer, Kollam, the second respondent. The second respondent has sponsored 9 candidates on the basis of a cut off date of registration ~~xxxxx~~ 4.7.1978. The interview was to be held on 13.4.1992. Since the applicant had registered his name with the Employment Exchange on

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25.5.1977 and his registration being current while he did not receive any call letter to appear for the interview, he filed this application for a declaration that the selection for regular appointment as EDDA, Sadanandapuram scheduled to be held on 13.4.1992 is illegal or in the alternative, for a direction that he may also be considered for regular appointment. The application was admitted and an interim order was issued on 13.4.1992 directing that the appointment, if any, made on the basis of the selection would be subject to the outcome of the application and that the appointee should be specifically informed about the same. On the basis of this direction, the Department proceeded with the selection process and it appears that a candidate who was interviewed on 13.4.1992 has been selected and appointed. The learned counsel for the respondents 1&3 submitted that the persons appointed has been informed of the fact that the selection and appointment would be subject to the outcome of this application.

2. In the reply statement filed by respondent-2, it has been admitted that the applicant had registered in the year 1977, that his registration was current and that his case was not sponsored by reason of an omission. It is stated in the reply statement that call letters were issued to some of the candidates and for the benefit of persons to whom personal letters could not be issued, a publication was effected in Kerala Kaumudi that it was from among those who appeared in response to call letters as well as paper publication that 9 candidates were


sponsored. The omission to send call letter to the applicant according to the respondents, occurred because of the bifurcation of the Employment Exchange of the Kollam into Kottarakkara and Kollam. From what is stated in the reply statement of respondent-2, it is evident that in case such bifurcation and consequent omission had not taken place, the applicant also would ^{have} received a call letter and in all probability, the applicant ^{also} would have been sponsored as a candidate. Since the applicant has approached this Tribunal before the selection process was xxxx completed, but only on the date on which the interview was scheduled, this Tribunal felt that the proper course would be to allow the Department to proceed with the selection process ^{but} to make it subject to the outcome of this application in order to minimise the difficulties to the Department as well as ^{to} the candidates who had responded to the interview letters. ^{clear} As it has been made ^{in the interim} order that the selection and appointment would be subject to the outcome of this OA and as the appointee has already been so informed, we are convinced that the interest of justice will be met only if the respondents 1&3 are directed to complete the selection process after interviewing the applicant also.


3. In the result, we dispose of this application with the following direction:

- a) The applicant should within a period of 10 days from today submit an application putting forth his candidature for the post along with the requisite testimonials addressed to the 1st respondent,

- b) The 1st respondent is directed to call the applicant for an interview and to consider his case also along with other persons who had already been considered and to finalise the selection taking into consideration the inter-se merit of the applicant and the other candidates, and
- c) In case the applicant is found to be more meritorious than the already selected and appointed candidate, the applicant should be appointed to the post terminating the services of the person who is presently holding the post. Action on the above lines should be completed within a period of two months from the date of communication of this order.

4. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(SP MUKERJI)
VICE CHAIRMAN

7-8-1992

trs