

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 580 of 1990
T. A. No.

DATE OF DECISION 13-8-1991

P Radhakrishnan Applicant (s)

M/s DV Radhakrishnan
& K. Radhamani Amma Advocate for the Applicant (s)

Versus

Assistant Superintendent of Respondent (s)
Post Offices, Calicut & 3 others

Mr AA Abul Hassan, ACGSC Advocate for the Respondent (s)

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? *Yes*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The applicant who has been working as substitute in the place of the regular incumbent in the post of Extra Departmental Packer in Thiruvannur Nada Post Office during various spells from 1.4.1987 onwards and has been subsequently working on provisional basis from 5.6.1990 has filed this application, aggrieved by the non-consideration of his case for regular selection to that post on the ground that he does not fulfil the residential qualification and also because his name was not sponsored by the Employment Exchange. As per the interim order issued by this Tribunal, the applicant has also been considered

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on 1.10.1990 along with the other candidates sponsored by the Employment Exchange. The selection has not been finalised yet in view of the fact that it was ordered by this Tribunal that the result of the selection should not be announced until further orders.


2. According to the respondents, the applicant is not eligible to be considered for selection to the post on a regular basis as he does not satisfy the residential qualification and also because his name has not been sponsored by the Employment Exchange. Consistent with the view that we have been taking in cases of this nature, we hold that the applicant who has been working in the post either as substitute or on a provisional basis, is eligible to be considered for selection to the post on the regular basis if he satisfies the other eligibility criteria even though his ^{has} name ~~not~~ sponsored by the Employment Exchange.

3. Now what remains ^{is} ~~the~~ question whether the applicant is a resident of the place where the Post Office is situated or near to that place as is required in accordance with the instructions on the subject. According to the instructions, of the DG, P&T in regard to the residential qualification applicable to the E.D.Packer, it is sufficient if an E.D. Packer resides in or near the Post Office. The applicant has produced Annexure-A6, a certificate issued by the Tehsildar Calicut dated 7.12.1990 (Original of the Certificate seen by us)

certifying that the applicant is a resident of Panniyankara Village for the last 4 years. The applicant's specific case is that his residence in Panniyankara Village is within 2 Kms from the Post Office in which he is working. This averment has not been disputed or denied by the respondents. As the applicant is residing within 2 Kms. of the E.D. Post Office, Thiruvannur Nada Post Office, we find that the applicant is a person who resides near to the Post Office and is therefore eligible to be considered for regular appointment to that post. He according to us, satisfies the eligibility criteria in regard to the residential qualification.

4. Now that the applicant is entitled to be considered although not sponsored by the Employment Exchange and as he is residing near to the Post Office, we dispose of this application with a direction to the respondents to make the selection to the post of E.D. Packer, Thiruvannur Nada Post Office, considering him to be eligible in regard to the residential qualification as well as in spite of his being not sponsored by the Employment Exchange and taking into account his qualification and experience. Till a regular selection is made and the selectee is appointed, the applicant should be allowed to continue in that post provisionally and his service may be terminated if he is not selected in accordance with law.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

13.8.1991

trs.