

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D. A. No. 606 of 1991
T.A. No. -

DATE OF DECISION 27-2-1992

S Jayakumari Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Senior Supdt. of Post Offices, Pathanamthitta & another Respondent (s)

Mr V Ajith Narayanan, ACGSC Advocate for the Respondent (s)-1
Mr D Sreekumar - Advocate for respondent-2

CORAM:

The Hon'ble Mr. NV KRISHNAN, ADMINISTRATIVE MEMBER

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

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

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The applicant, a candidate for selection to the post of Extra Departmental Branch Postmaster(EDBPM), Paranthal Post Office has filed this application under Section 19 of the Administrative Tribunals Act for a declaration that she is entitled to be considered for regular appointment as EDBPM, Paranthal and for a direction to the first respondent to consider her for such selection and appointment notwithstanding the fact that she is not sponsored by the Employment Exchange.

The applicant was not sponsored by the Employment Exchange for the reason that the Employment Officer thought that the

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residential qualification required for the post of EDBPM was permanent residence within the delivery area of the concerned Post Office and the Employment Officer had inserted a notification in the Malayalam newspaper by name, Mathrubhoomi to that effect. Apprehending that the applicant's candidature would be turned down for the reason that she was not residing within the delivery area of Paranthal Post Office though she was residing within the Panthalam Thekkekara village in which the Post Office is situated, she has filed this application. After the application was admitted, an interim order was issued directing the first respondent to consider the applicant also for regular appointment to the post of EDBPM though not sponsored by the Employment Exchange, purely on provisional basis subject to the result of this application.

2. The application was opposed by the respondents.

Respondents 1&2 have filed separate statements. However, in the reply statement on behalf of the 1st respondent, it has been stated that in the requisition sent to the Employment Exchange, the second respondent/stated/ that the candidate to be sponsored should be the resident of the village in which the Post Office is situate and that the first respondent is not responsible for not sponsoring the candidature of the applicant. The second respondent in the reply statement has contended that to be sponsored for the post of EDBPM, one should be resident of the delivery area of the Post Office concerned.

3. The instructions issued by the DG, P&T in regard to the residential qualification for the post of EDBPM and EDSPM say that one should be resident of the village in which the Post Office is situated. So there is no basis for the contention of the second respondent that the residential qualification required is residence within the delivery area. So the contention of the second respondent has only to be rejected. Now that the applicant has already been considered for selection though not selected and since the applicant has filed another application challenging her non-selection, the only question to be decided is whether the applicant is entitled for/declaration that she is entitled to be considered for regular selection to the post of EDBPM, Paranthal. In view of what is stated above, we have no doubt in our mind that the applicant who is a resident of the Panthalam Thekkekara village, satisfies the residential qualification prescribed by the DG, P&T and in Annexure-R1 to be considered for the post of EDBPM, Paranthal.

4. In the result, the application is allowed in part and it is declared that the applicant on account of her permanent residence in Panthalam Thekkekara village is eligible and entitled to be considered for regular selection to the post of EDBPM, Paranthal. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER



22-2-92
(NV KRISHNAN)
ADMVE. MEMBER

27-2-1992

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