

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 611 of 1992.

DATE OF DECISION 3-3-1993

Mr CK Sundaran _____ Applicant (s)

Mr M Ramachandran _____ Advocate for the Applicant (s)

Versus

UOI, Director General of Posts, New Delhi & another Respondent (s)

Mr VV Sidharthan, ACGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIKANAN, JUDICIAL MEMBER

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

JUDGEMENT

SP Mukerji, Vice Chairman

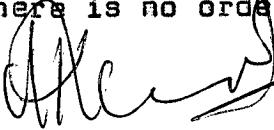
The short point that arises in this application is whether the applicant who is a member of the Scheduled Caste and has been working as a substitute in the post of Extra Departmental Delivery Agent, Manakodi since 30.8.1991 is entitled to be selected for regular appointment to the post.

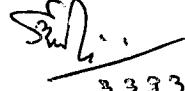
2. The learned counsel for the respondents have opposed the application on the ground that the applicant's experience was only as a substitute and the benefit of his previous engagement has already been accorded to him inasmuch as he has been allowed to be considered for selection even though he was not sponsored by the Employment Exchange. As regards the applicant being a member of

the Scheduled Caste, the learned counsel for the respondents has submitted a statement indicating that in the unit of recruitment out of 161 ED Agents in the Trichur Sub Division, as many as 43 belong to the Scheduled Caste, thus giving a percentage of 26.7%. His contention is that since the prescribed percentage of 10% has been exceeded, any further preferential treatment cannot be given to the applicant merely because he belongs to S.C. candidate. The learned counsel for the respondents, however, was fairly conceded that ^{no} weightage has been given to the applicant by virtue of his previous service even though as a substitute.

3. We have been taking the view that the experience must count for final selection irrespective of the status through which that experience has been gained. In that light and considering also that the results of the selection have not yet been published, we dispose of this application with the direction to respondent No.2 to review the selection made by giving due weightage to those candidates who have had some experience as EDDA in the past, including the applicant. The action on the above lines should be completed within a period of one month from the date of communication of this order and the results/announced within that period. The further continuance of the applicant as EDDA shall abide by the outcome of the selection made on the above lines.

~~There is no order as to costs.~~


(AV HARIDASAN)
JUDICIAL MEMBER


3-3-93
(SP MUKERJI)
VICE CHAIRMAN

3-3-1993

trs