

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 78
~~XXXXXX~~

199 0

DATE OF DECISION 18.9.90

C. A. Thankamma Applicant (s)

Mr. T. A. Rajan Advocate for the Applicant (s)

Versus

UOI rep. by Secretary, Respondent (s)
Communications, New Delhi & others

Mr. TPM Ibrahim Khan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

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 N. DHARMADAN, JUDICIAL MEMBER

The applicant in this case is working as Extra Departmental Stamp Vendor under the third respondent. After his appointment by virtue of Annexure A-1 order, Annexure A-2 seniority list of EDAs was issued, in which the applicant is shown at Sl. No. 53 while M/s. T. A. Murali and J. A. Jayarajan were shown as at Sl. Nos. 57 and 58 respectively. Thus the applicant is senior enough to be considered for regular selection as Mailman.

2. The second respondent issued Annexure A-3 notificated, dated 15.1.90 for ^{a b}regular selection ~~of~~ Mailmen by conducting examination on 28.1.90 at Ernakulam SRV LP School. The applicant submitted that persons shown at Sl. Nos. 57 and 58 in Annexure A-2 list, who are juniors to the applicant, were alerted for the interview to be held in pursuance of Annexure-A-3 notification. But the applicant was not given any such intimation. Hence, the complaint of the applicant is that she is not given an opportunity to appear and contest for the selection of regular Mailmen along with others included in Annexure A-3 even though she is senior to be alerted for the selection.

3. The respondents 1 to 3 have filed counter affidavit in which they have admitted the seniority of the applicant over M/s. Murali and Jayarajan but they have sought to support the action of denial of opportunity to contest for the selection of the applicant on the ground that she is over aged on the date of interview as per the notification.

4. We have considered same issue in O.A.K.564/88 and OA 760/89 and held that fixation of upper age limit ~~for~~ the selection of E.D. Agents by the Postal Authority is not reasonable. It has been struck down. Following that decision, we have to hold that the fixation of


5

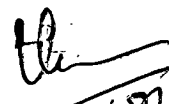
upper age limit of 35 years for the candidates for selection as Mailmen in this case is bad ^{and unjustified.} In view of the matter, the action of the respondents 1 to 3 in not having invited the applicant for selection cannot be sustained. Her name also ought to have been included in Annexure-3.

5. However, on the basis of the interim order, the applicant was also interviewed on 28.1.90 along with others. The results of the interview has not been brought to our notice. ^{But} This application is only to be disposed of with the following directions.

6. The respondents are directed to publish the result and pass orders according to the same. They may also make the appointment to the post of Mailman in terms of the ^{above} selection.

7. We dispose of the application in the manner indicated above. There will be no order as to costs.


(N. Dharmadan) 18.9.90
Judicial Member


(N. V. Krishnan)
Administrative Member