

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.79/2000

Tuesday this the 23rd day of May, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Anoop M.S.
Mannarayil House, Cherai PO,
Pin.683514.Applicant

(By Advocate Mr. Subhash Syriac)

vs.

1. The Union of India, represented by the Secretary, Ministry of Communications, Sanchar Bhavan, New Delhi.
2. The Assistant Supdt. of Post Offices, Ernakulam Sub Division, Kochi.24.Respondentw

(By Advocate Mr. K. Kesavankutty, ACGSC)

The application having been heard on 23.5.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant an aspirant for appointment to the post of Extra Departmental Stamp Vendor (EDSV for short), Palarivattom P.O. for which selection was being held on 24.1.2000 has filed this application for a direction to the respondents to consider his candidature for selection and appointment along with the candidates sponsored by the Employment Exchange. It is stated that the applicant had applied for selection on 17.1.2000.

2. The respondents contest the claim of the applicant. They contend that in the year 1997 when the post fell vacant applications were invited from the working E.D.Aagents by the Assistant Superintendent of Post Offices

for appointment by transfer, that while so the Post Master General instructed that the post should be filled by making recruitment from open market, that notification to the employment exchange was issued, that while the process was going on the applicant in O.A.96/98 obtained an order from the Tribunal that as a working E.D.Agent she be considered for appointment by transfer, that pursuant to the above direction and in pursuance to the orders of the Tribunal in other cases where working E.D.Aagents who obtained orders from the Tribunal and the applicant in O.A.921/98, an outsider, and other nominees of the employment exchange were called for interview and that as the applicant's application was not received till the time of interview and was received only on 24.1.2000 the applicant does not have a legitimate cause of action.

3. We have heard the learned counsel on either side and have also perused the pleadings and materials placed on record. As per the averment in the application, the applicant has made Annexure.AI application on 17.1.2000. However, Annexures R2(g) and (h) show that the applicant's application was put in transit only on 20.1.2000 and was received only on 24.1.2000. The applicant as an outsider has a right to be considered only if selection is being made from open market and that also if he has applied in time. In this case on the basis of the Tribunal's direction the respondents are bound to fill up the vacancy by considering the request of working E.D.Aagents by transfer.

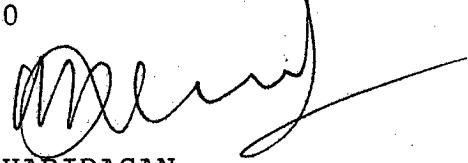
Therefore, open market recruitment would become necessary only if working E.D.Aagents who have applied for transfer are ineligible for appointment. Even if open market selection is to be made as the application of the applicant was received only on the date of interview he has no right to be considered. He should have applied within time.

4. In the light of what is stated above the application fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 23rd day of May, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexures referred to:

Annexure.A1:True copy of the application dated 17.1.2000 pf the applicant to the respondent.

Annexure.R2(g): Photocopy of the Cover in which annexure AI application was received by the 2nd repondent.

Annexure.R2(h)Photo copy of Annexure.AI application received by this respondent on 24.01.2000.

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