

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

OA.No.82/99

Thursday this the 18th day of February, 1999.

CORAM

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

P.V.Rajesh,  
Paraparambil House,  
Vennala PO,  
Kochi.28.

...Applicant

(By advocate Mr. Subhash Cyriac)

Vs.

1. The Senior Superintendent of Post Offices,  
Ernakulam Postal Division,  
Ernakulam.
2. The Sub Divisional Inspector of  
Post Offices, Tripunithura Sub Division,  
Tripunithura.
3. K.P.Kunjappan, S/o Palliyan,  
Kunthuruthiyil House,  
Vadayampady PO,  
Puthencruz-682308.

...Respondents  
(Third respondent impleaded vide orders in MA 113/99)

(By Advocates Mr.K.Kesavankutty for R.1&2  
Mr.Paul Varghese for R.3.

The application having been heard on 18.2.99, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant has filed this application for a direction to the respondents 1&2 to consider his candidature for selection and regular appointment to the post of Extra Departmental Delivery Agent, Mamala Post Office alongwith the candidates sponsored by the Employment Exchange apprehending that non-sponsorship by the Employment Exchange would result in the non-consideration of his candidature.

2. When the application came up for admission on 22.1.99 Additional Central Government Standing Counsel Shri K.Kesavankutty sought a week's time to get instructions and to file a statement. With a view to safeguard the interests of the applicant, it was directed that if an interview be held for selection and appointment to the post of Extra Departmental Delivery Agent, Mamala Post Office, the candidature of the applicant shall also be considered provisionally and subject to further directions to be given.

3. Respondents 1&2 have filed a reply statement opposing the admission of this application, in which they have contended that as the selection under process was the continuation of an earlier selection made as directed by the Tribunal in the orders in O.A.877/98 and confirmed by the High Court of Kerala in its orders in O.P.14775/98, only those who were considered at the earlier selection were to be again considered giving weightage to the original applicant in O.A.877/98. Under these circumstances as no fresh candidates could be considered, the respondents 1&2 contend that the applicant has no cause of action to maintain this application.

4. I have perused the pleadings and have heard the counsel including the counsel for the additional third respondent. As the Tribunal had in its orders in O.A.877/98 directed the respondents to redo the selection already made giving the applicant therein due weightage for his provisional service, the respondents 1&2 were right in not considering any fresh candidate. It has also come out from the pleadings that no fresh names were either called for or sponsored by the Employment Exchange.

5. Under these circumstances I find that the applicant does not have any cause of action as he was not a candidate who had applied for the selection conducted on 6.4.98 . In the result the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated this the 18th day of February, 1999.



A.V. HARIDASAN  
VICE CHAIRMAN

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