

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.106/98

Wednesday, the 11th day of February, 1998.

CORAM

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

C.K.Valsala
Extra Departmental Branch Postmaster
Edadu P.O., Moolamattom ...Applicant

(By advocate: Mr PC Sebastian)

Versus

1. The Supdt. of Post Offices
Idukki Division
Thodupuzha - 685 584
2. The Postmaster General
Central Region
Kochi - 682 016.

(By advocate: Mr George Joseph, ACGSC)

The application having been heard on 11.2.1998, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN
Applicant is working as Extra Departmental Branch Postmaster, Edadu P.O., Idukki District. She applied for selection and appointment to the post of EDBPM, Ilapally P.O. near Moolamattom which the applicant found to be more convenient in respect of discharging her official duties and running the family. However, coming to understand that her candidature would not be considered, the applicant has filed this application for a declaration that she is entitled to be considered for selection to the post of Extra Departmental Branch Postmaster, Ilapally, although her name has not been sponsored by the employment exchange, and for a direction to the first respondent to consider her candidature also in the interview scheduled to be held on 27.1.98 for the selection of EDBPM, Ilapally.

2. When the application came up for hearing on 20.1.98, after hearing the learned counsel on both sides, an interim order was issued directing the first respondent to consider the candidature of the applicant also for the post of EDBPM, Ilapally, though not sponsored by the employment exchange, provisionally and subject to final directions.

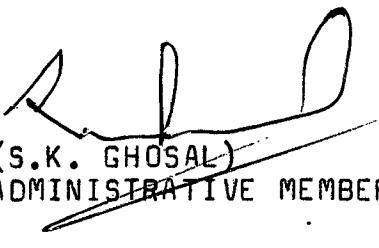
3. Respondents have filed a reply statement in which it is contended that as the applicant is already working as EDBPM, she has no right to be considered for appointment in similar post of EDBPM. When the matter came up on 10.2.98, we requested the learned counsel for the respondents to bring to our notice any rule or instruction which stipulates that a working EDBPM cannot apply for direct recruitment to another EDBPM post. When the matter came up today, learned counsel for the respondents states that there is no provision which places an embargo on a person employed as an ED Agent from applying for direct appointment to another EDBPM post.

4. After hearing the learned counsel on either side, we find that as there is no rule or instruction which prevents an ED Agent from seeking appointment to another ED post, the applicant is entitled to have her name considered for selection. Even if her name has not been sponsored by the employment exchange, in view of the Supreme Court ruling in Excise Supdt., Malkapatnam, Krishna District, A.P. Vs. KBN Visweswara Rao & Ors, reported in 1996 (6) SCC 216, the proper course for the respondents is to make selection after considering the candidature of the applicant also.

5. In the result, the application is allowed. We hold that the applicant is entitled to be considered for selection and appointment to the post of EDBPM, Ilapally, though her name may not be sponsored by the employment exchange. Accordingly, we direct the first respondent to make selection for appointment to the post of EDBPM, Ilapally P.O. after considering the candidature of the applicant also as valid.

No order as to costs.

Dated 11th February 1998.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

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