

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 120/97

FRIDAY, THIS THE 24TH DAY OF JANUARY, 1997.

C O R A M:

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER

T.G. Minimol
Extra Departmental Stamp Vendor
Mattancherry Jetty Post Office,
Kochi-2.

.Applicant

By Advocate Mr. O.V. Radhakrishnan

Vs.

The Assistant Superintendent of Post Offices
Kochi Sub Division, Kochi.

..Respondent

By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC by rep.

The application having been heard on 24.1.97,
the Tribunal on the same day delivered the
following:

O R D E R

The applicant is presently working as Extra Departmental Stamp Vendor, Mattancherry Jetty Post Office. The post of EDSV became vacant on the appointment and posting of the regular incumbent Shri D. Sreekumar as Postman in the Head Post Office at Fort Kochi w.e.f. 27.11.96. The applicant was appointed to work in the place of Sri D. Sreekumar on provisional basis from 28.11.96. The applicant says that she has passed Pre Degree Course and her name is registered with the Divisional Employment Exchange, Ernakulam as early as on 6.6.88 which was renewed from time to time. The applicant having come to know that a vacancy would arise to the post of EDSV at Mattancherry Jetty Post Office, submitted A3 representation dated 11.11.96 requesting to appoint her temporarily in the above vacancy. It was on the basis of the said

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representation she was appointed temporarily as EDSV. The applicant says that it is reliably learnt that the vacancy has been notified for selection for regular appointment and for that purpose respondent has addressed the Employment Exchange for nominating candidates for selection to the said post.

2. According to the applicant her name has not been sponsored by the Employment Exchange since the Employment Exchange usually forwards only 8 or 9 names. Hence, the applicant prays that the respondent may be directed to consider the applicant also for selection for regular appointment to the post of EDSV, Mattancherry Jetty Post Office along with other eligible candidates.

3. In Excise Superintendent Malkapatnam

Vs.K.B.N.Vishweswara Rao (1996) 6 SCC 216 the Supreme Court has held that:

it is common knowledge that many a candidate is unable to have the names sponsored though their names are either registered or are waiting to be registered in the Employment Exchange, with the result that the choice of selection is restricted to only such of the candidates whose names come to be sponsored by the Employment Exchange. Under these circumstances, many a deserving candidate deprived of the right to be considered for appointment to a post under the State."

In the light of the said decision, the respondent cannot take the stand that only candidates sponsored through Employment Exchange can be considered.

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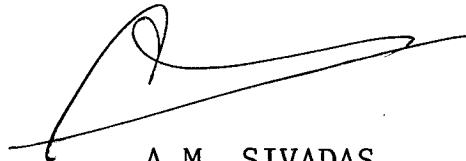
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3. Accordingly, the Original Application is allowed directing the respondent to consider the applicant also for selection for regular appointment to the post of Extra Departmental Stamp Vendor, Mattancherry Jetty Post Office along with other eligible candidates in accordance with law.

4. Application is allowed. No costs.

Standing Counsel undertakes to forward a copy of the order along with a copy of the Original Application to the respondent for compliance.

Dated the 24th January, 1997.



A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURE

1. Annexure A3: True copy of the representation dated 11.11.1996 of the applicant to the respondent.

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