

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED THURSDAY THE SIXTEENTH DAY OF FEBRUARY  
ONE THOUSAND NINE HUNDRED EIGHTY NINE

PRESENT

Hon'ble Shri S.P.Mukerji, Vice Chairman

&

Hon'ble Shri G Sreedharan Nair, Judicial Member

ORIGINAL APPLICATION NO.129/87

R Govindan Nair                      --              Applicant

Versus

1. Govt. of India,  
represented by Secretary,  
Dept. of Postal Service,  
New Delhi.
2. Post Master General,  
Postal Services,  
Kerala Circle,  
Trivandrum.
3. Senior Superintendent of  
Post Offices,  
Kottayam Division,  
Kottayam.
4. Sub Divisional Inspector,  
Kottayam West  
Postal Sub Division,  
Kottayam.
5. O.G. Omana,  
Branch Post Mistress,  
D/o. Gopalan  
Branch Post Office,  
Kumarakom South,  
Kottayam Dt.

.. Respondents

Counsel for the applicant              : Mr KK Balakrishnan

Counsel for the respondents              : Mr K Karthikaya Panicker,  
ACGSC for Res.1-4

O R D E R

Hon'ble Shri G Sreedharan Nair, Judicial Member

In this application the applicant, who was  
provisionally holding the post of Branch Post Master,  
Kumarakom South, challenges the order dated 19.1.1987  
terminating his services and prays for his reinstatement.

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as well as for regularisation of the provisional appointment that he was holding. It is alleged that the third respondent invited applications ~~to~~ *for* the regular appointment to the post pursuant to which the applicant had also submitted his application and that in addition to the above, he had also put in a representation for compassionate appointment to the post. Since the fifth respondent has been regularly appointed to the post, the applicant has approached the Tribunal with the present application.

2. In the reply filed on behalf of the respondents 1&2 it is stated that pursuant to the notification, 16 applications were received and all the 16 candidates including the applicant were called for an interview/test to be held on 28.11.1986 but that the applicant did not attend the interview/test held on that date. It is also stated that the applicant was not a resident in the delivery area of Kumarakom South Branch office, one of the eligibility conditions for appointment to the post. It is pointed out that the fifth respondent having the requisite qualifications was duly selected and appointed.

3. ~~The~~ Main point that was pressed by counsel of the applicant was that the respondents 1&2 were not justified in not considering the <sup>*applicant for the*</sup> above post on the ground that he is not a resident within the delivery

jurisdiction of the post office. He invited our attention to Instruction No.4 dealing with the method of recruitment which is to the effect that the EDBPM must be a permanent resident of the village where the post office is located. It ~~is~~ <sup>was</sup> emphasised by him that the applicant is actually a resident of the village which fact is not denied ~~by~~.

But the respondents-1&2 have specifically referred to the clarification issued by the Post Master, Kerala under his letters dated 22.2.1980 and 11.6.1986 specifying that so far as Kerala Circle is concerned, the residential qualification mentioned in the instructions should be understood ~~to him~~, as residing within the delivery area of the post office concerned. That apart when the applicant after having sent his application, when called <sup>to</sup> upon <sup>to</sup> appear for interview/test failed to appear, he cannot challenge the selection and regular appointment made to the post by considering the other candidates.

4. The request for compassionate appointment put for <sup>ward</sup> ~~ward~~ by the applicant is seen to have been considered and rejected, which order is not assailed before us.

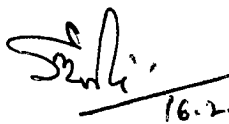
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5. It follows that the order dated 19.1.1987 terminating the provisional appointment given to the applicant does not require interference and that the applicant is <sup>not</sup> entitled to ~~regularisation~~. *any of his rights claimed*

6. The application is dismissed.

  
( G. SREEDHARAN NAIR )  
JUDICIAL MEMBER

  
( S. P. MUKERJI )  
VICE CHAIRMAN

16-2-1989

trs