

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 150 of 1993

DATE OF DECISION 15-2-1993

Mrs PK Rajamma Applicant (s)

M/s MR Rajendran Nair & Advocate for the Applicant (s)
PV Asha

Versus

Sr. Superintendent of Post Respondent (s)
Offices, Kottayam

Mr CS Abdul Sammad, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIOSAN, JUDICIAL MEMBER
&

The Hon'ble Mr. R RANGARAJAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Op*
2. To be referred to the Reporter or not ? *Op*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Op*
4. To be circulated to all Benches of the Tribunal ? *Op*

JUDGEMENT

AV Haridasan, J.M.

The applicant Smt PK Rajamma has filed this application for a declaration that she is entitled to be considered for appointment as EDBPM, Ezhumanththuruth giving weightage for her past service as retrenched EO Agent and for a direction to the respondents to consider her candidature accordingly. The applicant had earlier worked as an EDBPM, Ayamkudy from 3.3.1970 to 15.10.1975 when she was removed from service for ~~unexcused unauthorized~~ unauthorised absence after enquiry. In 1979 she was called for a selection process for appointment to the post of EDBPM, Ezhumanththuruth but she was not selected. Now the post of EDBPM, Ezhumanththuruth arose, the applicant made Annexure-III and IV repre-

sentation to the Superintendent of Post Offices, Kottayam requesting ~~fax~~ to consider her for regular selection to that post. Since she had lost her registration with the Employment Exchange when she was first appointed as EO BPM and got registered/only very recently, she did not expect to be sponsored by the Employment Exchange. It is in these circumstances that the applicant has approached this Tribunal for a direction that her candidature should be considered giving due weightage for past service as a retrenched ED Agent.

2. The learned counsel for the respondents on the basis of instructions received from the Department, / filed a statement in which he has contended that the applicant is not entitled to be considered for regular selection as her candidature has not been sponsored by the Employment Exchange and also because she had on an earlier occasion been removed from service after an enquiry into a charge of unauthorised absence.

3. Having heard the counsel on either side and having considered the pleadings, we are of the view that the application does not merit admission and further deliberation. For being considered for selection to the post of ED Agent, a candidate should be sponsored by the Employment Exchange. This Tribunal has been consistently holding in several cases that in the case of a working ED Agent, a deviation is justified and that even if such a working ED Agent is not sponsored by the Employment Exchange while making regular selection for the very post, he also should be considered. But here in the case of the applicant such a situation is wanting. The applicant is not

recently working as an ED Agent on a provisional basis. The fact that she had at some distant past worked as an ED Agent and that her services had been terminated for unauthorised absence does not justify giving her the same benefit which is given to a working ED Agent. Then what is there to justify the consideration of the applicant who is not sponsored by the Employment Exchange? We are of the view that there is no aspect in this case which makes the applicant eligible for a special consideration deviating from the normal procedure of consideration of persons sponsored by the Employment Exchange. The learned counsel for the applicant brought to our notice that the applicant had got her name registered with the Employment Exchange after the vacancy was notified. If that is so, if her name was not sponsored by the Employment Officer, the action of the Employment Officer cannot be faulted. However, the Employment Officer has not been made a party to this case also. If the registration of the name of the applicant was prior to the date of notification and if her candidature was not sponsored by the Employment Exchange unjustifiably, it will be open for the applicant to challenge such action, in accordance with law, impleading the Employment Officer. In these circumstances, we are of the view that the application does not merit admission and therefore we reject the same under Section 19(3) of the Administrative Tribunals Act.

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(R RANGARAJAN)
ADMVE. MEMBER


(AV HARIDASAN)
JUDICIAL MEMBER

15-2-1993

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