

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.151/97

Tuesday this the 28th day of January, 1997.

CORAM:

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

HON'BLE SHRI P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Smitha Gopinathan,  
Moorkanattu House,  
Cheranalloor P.O.  
Extra Departmental Delivery Agent,  
Kothad P.O.  
Ernakulam District.

..Applicant

(By Advocate Mr. P.C.Sebastian)

vs.

1. Assistant Superintendent of Post Offices,  
Ernakulam Sub Division, Edappally P.O.
2. The Employment Officer, The Divisional Employment  
Exchange, Kakkanad P.O. Ernakulam.
3. The Postmaster General, Central Region, Kochi-682016.  
.. Respondents

(By Advocate Mr.James Kurien, ACGSC)

ORDER

A.V.HARIDASAN, VICE CHAIRMAN:

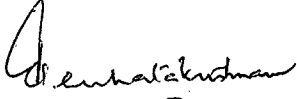
The applicant who is presently working as a provisional Extra Departmental Agent, Kothad, is aggrieved by the fact that the respondents refused to consider her case for regular appointment to the post on the ground that her name has not been sponsored by the Employment Exchange though she has registered her name with the Employment Exchange. She therefore prays that it may be declared that she is entitled to be considered for selection despite the fact that her name is not sponsored by the Employment Exchange. She placed before us the ruling of the Supreme Court in Excise Superintendent, Malkapatnam vs. K.B.N.Visweshwara Rao and others, (1996) 6 SCC 216.

2. Heard learned counsel for applicant and Shri James Kurien appearing for respondents. The Hon'ble Supreme Court in Excise

Superintendent vs. K.B.N.Visweshwara Rao, (1996)6 SCC 216 held that restricting the field of choice to those who are sponsored by the Employment Exchange and non-consideration of others is denial of equal opportunities . Following this ruling in cases of this nature, this Tribunal has been consistently taking the view that the E.D. Agents who are working provisionally on a post have to be considered when a regular appointment is being made though their names would not be sponsored by the Employment Exchange.

3. In the light of this position, we admit the application and dispose of the same with the direction to the respondents to consider the applicant also for regular selection to the post of EDDA, Kothad though her name has not been sponsored by the Employment Exchange. No order as to costs.

Dated the 28th January, 1997.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V.HARIDASAN  
VICE CHAIRMAN