

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION : 29.1.1990

P R E S E N T

HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN
AND

HON'BLE SHRI A.V. HARIDASAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NOS. 156/89 & 157/89

IN OA 156/89

Smt. Treasa Irish .. Applicant

Vs.

The Superintendent of
Post Offices, Ernakulam .. Respondent

Shri M.R.Rajendran Nair .. Counsel for the Applicant

Shri K.Narayana Kurup
ACGSC .. Counsel for the Respondent

IN OA 157/89

1. Smt. Regina Elizabeth }
2. Smt. Beatrix C.J. } .. Applicants

Vs.

1. The Senior Superintendent)
of Post Offices, Ernakulam)
2. The Divisional Employment) .. Respondents.
Exchange Officer, Ernakulam)

Smt. P.V.Asha .. Counsel for the Applicant

Shri K.Narayana Kurup
ACGSC .. Counsel for the Respondents

O R D E R

Shri S.P.Mukerji, Vice Chairman

Since common questions of law, facts and relief
are involved in these two applications, these are being
disposed of by a common order as follows.

2. The first application (156/89) dated 14.3.1989
has been filed under section 19 of the Administrative
Tribunals Act by the applicant who has been working as
Branch Post Master, Vallarpadam under the Superintendent
of Post Offices, Ernakulam. This post fell vacant on
24.11.88 when its permanent incumbent was selected as
Postman. The applicant has been engaged as Branch
Postmaster as a stop-gap arrangement till regular appoin-
tment is made. She has passed SSLC, is a resident of the

delivery area of that Post Office, is registered with the Employment Exchange. Her grievance is that while inviting names, the Employment Exchange advertised the age limits as 18 and 30 years as a result of which the applicant's name could not be sponsored by the Employment Exchange while those who had got themselves registered later than her were sponsored by the Employment Exchange. She has challenged the selection on the ground that the upper age limit was wrongfully advertised with the purpose of giving an intended benefit to the candidates junior to the applicant. The respondents have stated that since the applicant's name was not sponsored by the Employment Exchange she could not be considered. With the Rejoinder the applicant has annexed a copy of a circular issued by the Postmaster General indicating that the minimum and maximum age limits as prescribed by the Directorate of Posts and Telegraph for extra departmental staff ~~is~~ ^{are} 18 years and 65 years and that specifying 18 and 30 years ~~is~~ ^{are} the age limits for getting names sponsored by the Employment Exchange is contrary to the ~~Recruitment~~ ^{Recruitment} ~~Rules~~ ^{Rules}. These limits are the preferential age limits and not the prescribed age limits.

3. In the second application (157/89 filed under section 19 of the Administrative Tribunals Act) dated 14.3.89 the two applicants have indicated that despite their being ~~having~~ ^{having} SSLC passed and better qualifications and earlier

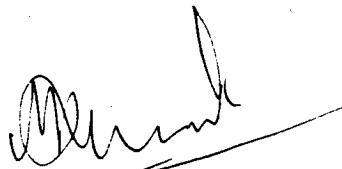
registration with the Employment Exchange, their names have not been sponsored by the Employment Exchange while those who were registered later have been sponsored. They have also ~~advertised~~ ^{advertised} ~~served~~ to the advertisement in which the age limits of 18 and 30 years have been wrongfully mentioned to exclude more experienced candidates and favoured others who got themselves registered later. The respondents have indicated that the Employment Exchange sent a panel of 7 names and since the applicants were not included in the panel, the applicants could not be considered.

4. We have heard the arguments of the learned Counsel of both the parties and have gone through the documents carefully. The applicants in these two cases have suffered either because they were over aged (the first applicant) by the age limit prescribed ^{wrongfully} in the advertisements or because they were not sponsored by the Employment Exchange even though they were within the age limits. As regards the upper age limit of 30 years ^{is concerned}, the PMG has himself clarified in the Circular dated 12.8.87 (Ann.II^E to the Rejoinder in the first application), that the age limit of 30 years for general candidates is a preferential age limit and not the eligibility age limit. The authorities were directed to make

it clear while sending a requisition to the Employment Exchange that candidates below 30-35 years will be preferred. Since in accordance with the advertisement issued by the Employment Exchange (Ann.I in OA 157/89) and wrong age limit prescribed this has not been done, the selection process itself is grossly vitiated. The Divisional Employment Exchange Officer who was included in the second application as respondent no.2 did not come up with any rebuttal to the averments made by the applicants that those who registered their names in 1979 and 1980 have been sponsored for the interview while the applicants who were registered in 1977 and 79 were not sponsored.

5. In the facts and circumstances, we allow both the applications and direct the respondents to consider the applicants also for selection as Branch Postmaster even though some of them are above 30 years of age or have not been sponsored by the Employment Exchange.

6. There will be no order as to costs.


(A.V.HARIDASAN)
Judicial Member


(S.P.MUKERJI)
Vice chairman
29.1.90