

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 209 of 1999.

Wednesday this the 31st day of March, 1999.

CORAM:

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

HON'BLE MR. B.N. BAHDUR, ADMINISTRATIVE MEMBER

E.V. Suchinapalan,  
Eledath (H),  
Pallipot P.O.,  
Pin -683 515. .. Applicant

(By Advocate Shri Subhash Cyriac (not present)

Vs.

1. The Post Master General,  
Kochi Region, Ernakulam,  
Kochi - 16.

2. The Assistant Superintendent of  
Post Offices,  
Kochi Sub-Division, Kochi - 1. .. Respondents

(By Advocate Shri K.R. Raj Kumar, ACGSC)

The application having been heard on 31st March, 1999  
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant has filed this application for a direction to the second respondent to consider his candidature for selection and appointment to the post of Extra Departmental Packer at Malipuram Post Office although his candidature may not be sponsored by the Employment Exchange. It is alleged that on 5.2.99, the applicant coming to know of the recruitment process, submitted an application, but is not likely to be considered for selection owing to non-sponsorship by the Employment Exchange. Placing reliance on the ruling of the Apex Court in Excise Superintendent, Malkapatnam, Krishna District, Andhra Pradesh Vs. K.B.N. Visweshwara Rao (1996 6 SCC 216), the applicant states that though the applicant has not been sponsored by the Employment Exchange, the second respondent is not right in keeping him out of consideration.

2. The respondents in the reply statement have indicated that though public advertisement of the vacancy was made fixing the last date of receipt of application as 29.1.99, no application was received from the applicant, that the application said to have been made on 5.2.99 also has not been received by the respondents and that the applicant approached the Tribunal with false allegation with a view to mislead the Tribunal.

3. The applicant though was given sufficient opportunity to file a rejoinder, did not file the rejoinder refuting the allegations. Since the counsel for the applicant is not present, we did not have the privilege of hearing him also. However, on the basis of the material now available on record, we do not find any legitimate cause of action to the applicant to approach the Tribunal. The case of the applicant that he being not sponsored by the Employment Exchange, was left out of consideration, is found to be not true, because the respondents have made a public advertisement fixing the last date of receipt of applications as 29.1.99, and the applicant did not offer his candidature within that time. The applicant who did not put forth his candidature within the last date stipulated in the notification, has no legal right to be considered for selection.

4. The application fails and therefore, it is dismissed. No order as to costs.

Dated the 31st March, 1999.

B.N. Bahadur

B.N. BAHAJUR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN