

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.211/99

Wednesday this the 10th day of March, 1999.

CORAM

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

Lalitha J. Lukose,
Pazhavoor House,
Thekkumcherry, Puthoor PO,
Kottarakara.

...Applicant

(By Advocate Mr. P.C.Sebastian)

Vs.

1. The Sub Divisional Inspector of Post Offices,
Kottarakara Sub Division,
Kottarakkara.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram. ...Respondents

(By Advocate Mr. Madanan Pillai, ACGSC)

The application having been heard on 10.3.99, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is provisionally working as Part-Time Sweeper at Pallickal Kottarakara Post Office with effect from 10.2.98 and had worked earlier also on provisional basis is aggrieved that she is not being considered for regular selection and appointment to that post though she made an application for consideration of her candidature on 28.1.99. The applicant apprehending that the selection would be confined to the nominees of the Employment Exchange has filed this application for a declaration that she is entitled to be considered for selection to the post of Part-Time Sweeper Pallickal-Kottarakara Post Office alongwith the candidates sponsored by the Employment Exchange even if her name may not be sponsored by the Employment

Exchange and for a direction to the first respondent to consider her name also in the interview scheduled to be held on 24.2.99 or any deferred date.

2. When the application came up for hearing for admission on 22.2.99 an interim order was issued to the first respondent directing that the applicant should also be provisionally considered for selection to the post of Part-Time Sweeper, Pallickal-Kottarakara to be held on 24.2.99 or any other deferred date.

3. Today the learned counsel for the respondents states that a reply statement has been filed. The reply has been taken on record. I have heard the learned counsel appearing for the parties. The applicant claims that in the light of the decision of the Hon'ble Supreme Court in Excise Supdt. Malkapatnam, Krishna Dist. A.P Vs. KBN Visweswara Rao and others, 1996 (6) SCC 216 the first respondent is bound to consider the candidature of the applicant also for selection and appointment to the post of Part-Time Sweeper, for such an action would not only be in conformity with the principles laid down in that ruling but also would be beneficial to the department, as the choice can be made from a wider field. If the respondents chose to select only from the nominees of the Employment Exchange excluding those who applied direct, the field of choice would be reduced, which cannot be in ^{best} interest of the department. The learned counsel for the respondents states that as per the extant instructions, part-time vacancies of the department are to be filled up only from the nominees of the Employment Exchange as the Part-Time employees are likely to be absorbed on E.D.posts and therefore, it is not permissible to consider persons who have not been

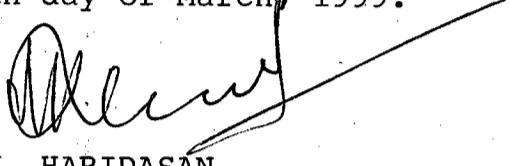
sponsored by the Employment Exchange. However, he states that in obedience to the directions contained in the interim orders, the applicant has also been called for interview and would be considered as a candidate alongwith those sponsored by the Employment Exchange.

4. The contention of the respondents that because Part-Time employees are likely to be absorbed on E.D.Posts the appointment to the Part-Time posts can be made only from among the nominees of the Employment Exchange is no longer valid because the Director General (Posts) has on 14.8.98 issued instruction to all Circles that while making selection to E.D.Posts in addition to notifying the vacancy to the Employment Exchange public advertisement should be given and all those who applied pursuant thereto should also be considered. Since Part-Time employees are to be given preference in making appointment to E.D.Posts as contended by the respondents I am of the view that the same principle as is reflected in the instructions issued by the D.G.(Posts) on 14.8.98 in regard to issuing public advertisement and considering those who apply direct for selection to E.D. Posts should also apply in making selection and appointment to the post of Part-Time Sweepers also.

5. In the light of what is stated, I am of the considered view that the applicant though not sponsored by the Employment Exchange is also entitled to be considered for selection and appointment to the post of Part-Time Sweeper, Pallickal-Kottarakkara Post Office as she had applied directly for appointment sufficiently in time. Therefore, declaring that the applicant is also entitled to be considered for selection and appointment

to the post of Part-Time Sweeper in Pallickal-Kottarakkara Post Office, though not sponsored by the Employment Exchange, I direct the respondents to consider her also for selection at the interview now scheduled to be held on 11.3.99 or any other deferred date. There is no order as to costs.

Dated the 10th day of March, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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