

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.23/2000

Monday this the 10th day of January, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

N. Sreenivasan
S/o K. Nilakantan,
Anugriha (Raju Mandiram)
Udayagiri Junction,
Chempazhanthi PO,
Thiruvananthapuram.695 587.

...Applicant

(By Advocate Mr. B. Raghunathan)

V.

1. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.33
2. Senior Superintendent of Post Offices,
Thiruvananthapuram North Division.
Thiruvananthapuram.1.
3. Shri Ayyappan Nair,
Branch Postmaster, Karimanal BPO,
Kulathur, Thiruvananthapuram.695 583.
4. Union of India, represented by the
Secretary to the Government,
Ministry of Communications
(Posts & Telegraphs)
New Delhi. ...Respondents

(By Advocate Mr. PMM Najeeb Khan (rep.)

The application having been heard on 10.1.2000 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 was an unsuccessful candidate
in the process of selection and appointment in the post
of Extra Departmental Branch Post Master, Karimanal
Branch Post Office has filed this application
challenging the appointment of the third respondent. The
applicant had earlier filed an application challenging
his non-selection in which the selected candidate's
place of residence had been wrongfully shown and/was not
impleaded. Therefore, the applicant withdrew that

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application. Now collecting the name and details of the third respondent the applicant has filed this application challenging the selection and appointment of the third respondent ^{and} for a direction to the respondents to appoint the applicant as EDBPM.

2. It is alleged in the application that the third respondent is a resident of Marthandam in Tamil Nadu and that therefore he is not entitled to be appointed as EDBPM as not being a resident of the area where the post office is situated. It is also alleged that the name of the third respondent not being sponsored by the Employment Exchange, the selection and appointment of the third respondent is against the instructions on the subject.

3. Giving the facts and circumstances disclosed in the application our anxious consideration and on hearing the learned counsel of the applicant and also Shri PMM Najeeb Khan, appearing for the official respondents we find that the applicant does not have either subsisiting or legitimate cause of action. Even according to the averments in the application the appointment of the third respondent was made in the month of May, 1998. This application has been filed more than a year after the appointment of the third respondent is totally barred by limitation. The learned counsel of the applicant stated that as the applicant has filed an earlier application without impleading the third respondent and which was withdrawn with liberty to challenge the appointment made, the application is within the time. We are not inclined to agree with this

argument. Since the grievance of the applicant that his non-selection and appointment of the third respondent to the post arose in the month of May, 1998 the applicant should have filed an application within a year from May, 1998. The application filed beyond one year is barred by limitation.

4. Even on merits the applicant does not have a case because the grounds on which the applicant contend that the third respondent is ineligible for appointment as EDBPM is not tenable. As per the extant instructions a person need not be the resident of the area where the post office is situated before he is selected and appointed. Regarding sponsorship by the Employment Exchange, even a person not sponsored by the Employment Exchange applies for selection and is considered and selected the selection would not be ~~xxxxxxxxxx~~ illegal. If any authority is needed the same can be had from the ruling of the Apex Court in **Excise Supdt. Malkapatnam, Krishna Dist. A.P. Vs. KBN Visweswara Rao and others** 1996 (6) SCC 216. Further the Director General (Posts) himself has following the ruling of the Apex Court issued instructions to the lower formations that before making selection in addition to notification to Employment Exchange, local advertisement shall be issued and those who respond thereto should also be considered for selection.

5. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 10th day of January, 2000


J.L. NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN