

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 252
T.A. No.

1990

DATE OF DECISION 22.3.91

T. S. Sunil Kumar Applicant (s)

Mr. O. V. Radhakrishnan Advocate for the Applicant (s)

Versus

Assistant Supdt. of Post Offices Respondent (s)
Trichur South Sub Division, Trichur-1 and others

Mr. T.P.M. Ibrahim Khan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is a working Extra Departmental Delivery Agent (for short EDDA), Perinjeri Branch Post Office on a provisional basis. He is aspiring for becoming a regular EDDA in the same Post Office. The first respondent notified the vacancy of EDDA, Perinjeri and invited names from the second respondent the Employment Officer, Trichur. In Annexure A-3 notice issued by the Employment Officer, the following restriction has been incorporated for eligibility:

"..... candidates who have passed atleast SSLC, between the age of 18 and 60, knowing Cycling, permanently residing within the delivery jurisdiction of Perincheri Post Office, who have current registration at Trichur District Employment Exchange and are willing to provide security of at least for Rs. 2000"

So only S.S.L.C. passed candidates alone can be sponsored by the Employment Exchange.

2. The complaint of the applicant is that the relevant rules for selection provides a minimum educational qualification of Eighth standard for the selection and appointment of EDDA. The applicant has studied upto SSLC. Though he is qualified under the rules, he is prevented from either applying or from being considered for regular appointment because of the restriction of pass in the SSLC included in the notice Annexure A-3. Because of the restriction it is understood that xxx persons passed in the SSLC will alone be sponsored by the Employment Exchange for selection. According to the applicant he is denied the opportunity of being considered for selection even in spite of the fact that he is working as EDDA in the same Branch Post Office and fully qualified under Rules.

3. Today when the case was taken up for hearing, the learned counsel for the applicant submitted before us that identical question came up for consideration in O.A. 957/90 and this Tribunal allowed the O.A. and directed the respondents to consider the claim of candidates who have the minimum qualification namely Eighth Standard. He submitted that this case can be disposed of following the judgment in O.A. 957/90. This is not disputed by the learned counsel for the respondents.

4. Accordingly we follow the judgment and allow the O.A. to the extent of quashing Annexure A-3 notification restricting the candidates for selection as persons who have passed SSLC. We make it clear that candidates who have got the minimum standard of Eighth class can also be considered notwithstanding the notification. We also direct the respondents to consider the applicant also for the regular selection of EDDA, Perincheri Branch Post Office along with others sponsored by the Employment Exchange

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Till such a regular selection and appointment in accordance with law xxxxxxxx the applicant shall be allowed to continue as provisional hand. It goes without saying that the applicant will be regularised if he is selected for appointment in the post.

5. The application is disposed as above. There will be no orders as to costs.

N. Dharmadan
(N. DHARMADAN) 22.3.91
JUDICIAL MEMBER

S.P. Mukerji
(S. P. MUKERJI) 22/3/91
VICE CHAIRMAN

KMN