

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION:

01-11-1989

PRESENT

HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN
And
HON'BLE SHRI A.V. HARIDASAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO.267/89

D. Premlatha .. applicant
Vs.

1. The Director of Post Services, Calicut, Kerala State.
2. The District Superintendent of Post Offices, Kasargod.
3. The Astt. Supdt. of PUs, Kasaragod Sub Division, Kasaragod.
4. The District Employment Officer, Employment Exchange, Kasargod. .. Respondents.

Counsel for the applicant .. Shri P.K. Mohammed and Shri CN Ibrahim.

Counsel for the respondents .. Shri PV Madhavan Nambiar SCGSC

O R D E R
(Shri S.P. Mukerji, Vice Chairman)

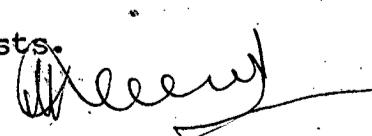
The relief claimed in this application dated 2-5-89 filed under Section 19 of the Administrative Tribunals Act is quite modest and straight forward. The applicant has been working as Branch Post Master on provisional basis at Dharmathadka Branch Post Office from 2.12.1986. It is admitted that she was not a substitute but an appointee of the respondents. The prayer made by her is that for regular appointment to the post the applicant also ~~to~~ be considered for selection along with other candidates sponsored by the Employment Exchange.

2. The respondents' plea in not considering the applicant is that her name was not sponsored by the Employment Exchange. This Tribunal has been deciding a catena of cases of similar nature in which it was being pointed out that under the Employment Exchange (Compulsory Notification of Vacancies) Act though it is compulsory that the vacancy should be notified to the Employment Exchange, it is not compulsory to confine the selection only to those candidates who are sponsored by the Employment Exchange. This principle has been enunciated by the Supreme Court in Union of India Vs. N. Hargopal and others, 1988(1) SLJ 59. In the instant case before us the applicant had been selected by the respondents themselves for provisional appointment and has been retained/ in the post for the last three years. It therefore, becomes obligatory on the part of the respondents to consider her also for selection. The applicant states that her name was also registered with the Employment Exchange in 1977 and the registration has been renewed upto date. The applicant has also drawn our attention to the order of the Madras Bench of the Tribunal at Annexure-F where in similar circumstances a direction was given to consider

the case of the applicant along with other candidates nominated by the Employment Exchange during the process of selection.

3. In the facts and circumstances we have no hesitation in allowing this application and we do so with the direction that the respondents 1 to 3 should consider the applicant also for selection to the post of Branch Post Master of Dharmathadka Post Office and take a decision about the person to be appointed after taking into account the result of the selection in respect of the candidates who have been already interviewed as also the applicant who is to be interviewed under our direction. Action on the above lines should be completed within a period of one month from the date of communication of this order.

4. Before closing this case we would like to express our displeasure on the fact that the respondent No.4 (Employment Exchange) has not come out with any valid justification ^{for having} to have sponsored the names of the candidates who had been registered after the applicant had been registered with them while refraining from sponsoring the name of the applicant. We hope that this matter will be looked into by the concerned authorities and corrective action taken. There will be no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

01-11-1989

Sn.