

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 271/90
~~XXXXXX~~

1990

DATE OF DECISION 11-07-1990

P.S. SUDARSANAN Applicant (s)

M/s OV RADHAKRISHNAN, K.RADHAMANI Advocate for the Applicant (s)
AMMA AND N.NAGARESH

Versus

SUB DIVISIONAL INSPECTOR (POSTAL) Respondent (s)
PERUMBAYOOR AND OTHERS

TPM IBRAHIM KHAN - Counsel for R-143
Deptt. of Posts Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *M*
3. Whether their Lordships wish to see the fair copy of the Judgement? *M*
4. To be circulated to all Benches of the Tribunal? *M*

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)


In this application dated 3rd April, 1990 filed under Section 19 of the Administrative Tribunals Act, the applicant has challenged the notification at Exbt.A.1 issued by the Employment Exchange at the instance of respondent No.1. In that notice only those candidates who had been registered and with the Town Employment Exchange prior to 31.12.1982/~~and were~~ within the age limits of 18 and 30 years have been made eligible to apply for the post of Extra Departmental Mail Carrier at Pothanicut Post Office.

2. We have heard the arguments of the learned counsel for both the parties and have gone through the documents carefully. The learned counsel for the applicant stated that the cut off date of registration as 31.12.1982 is arbitrary and that the age restriction between 18 and 30 years is not in conformity with the age limits prescribed for E.D. Mail Carrier. He has also brought to our notice the judgment of the Tribunal in O.A.86/88 in which such a restriction ^{of age} has been set aside. The learned counsel for the respondents fairly accepted that the age restriction as indicated in the notice was not in conformity with the age limits for E.D. Mail Carrier. He indicated further that as a matter of fact ^{in compliance of} ~~subject to~~ the judgment of this Tribunal, the Chief Post Master General, Kerala Circle has withdrawn the orders by which such age limits had been prescribed.

3. We are also not impressed by the arguments of the respondents that the cut off date of 31.12.1982 of registration for eligibility had to be fixed in order to restrict the number of candidates. We feel that fixing ^a such date smacks of arbitrariness and cannot be sustained under law as the same has no nexus with the objective ⁱⁿ view which is to have meritorious candidates irrespective of the date of registration.

4. In the facts and circumstances we allow this

application, set aside the notice at Exbt.A.1 and direct the respondents that they should initiate ^{method of} recruitment to the aforesaid post de novo in accordance with law. We further direct that the applicant should be continued in the present post till a regular appointment is made in accordance with law. There will be no order as to costs.


(A.V. Haridasan)
Judicial Member


(S.P. Mukerji)
Vice Chairman

11.7.90

Ksn.