

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 287 of 1993.

DATE OF DECISION 16-3-1993

P Sheeja Applicant (s)

M/s M R Rajendran Nair Advocate for the Applicant (s)

^{Versus}
The Superintendent of Post Offices,
Mavelikkara and others Respondent (s)

Mr George Poonthottam, ACGSC Advocate for the Respondent (s) 1 & 3
Mr D Sreekumar, G.P. for Respondent - 2

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member
and

The Hon'ble Mr. R Rangarajan, Administrative Member

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

JUDGEMENT

Sh AV Haridasan, J.M

The applicant, P. Sheeja of Olakettiyambalam was an intending candidate for selection to the post of EDBPM, Neduvaramcode P.O. When a vacancy in that post arose, the Respondent-1 placed a requisition with the local Employment Exchange requesting to sponsor eligible candidates. It appears that on the basis of the requisition, the Employment Officer gave a report ~~xxx~~ in the News Paper regarding the selection to the post of EDBPM, Neduvaramcode P.O. ~~xxx~~ making it clear that person who had registered their names with the Employment Exchange prior to March, 1992 and who are permanent residents of Cherianadu Village should appear before the District Employment

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Officer, Alapuzha, Respondent-2 if they wished to be considered for appointment. Since the applicant was not a resident within the said Village, her candidature was not sponsored. Coming to know that the selection process was in progress, excluding her candidature, the applicant approached this Tribunal filing this application praying that the selection process may be declared null and void and in the alternative, for a declaration that she is also entitled to be considered for regular selection to the post of EDBPM, Neduvaramcode P.O. After admitting the application on 16.2.93, an interim order was issued directing the respondents to maintain the status quo regarding the selection proceedings.

2 Learned counsel for the respondents has filed a reply statement indicating that before the interim order was passed, the interview was already held on 11.2.93 and that among the candidates who were interviewed on that date one Shri TN Vijayan, who was the most meritorious candidate was provisionally selected and that the appointment order has not been issued in view of the interim order. It was indicated that selection memo has been issued to the said candidate. The respondents contend since the applicant's name was not sponsored by the Employment Exchange, there was no occasion for considering the case of the applicant.

3 The Employment Officer had given an insertion in the News Paper inviting applications only from the permanent ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ residents

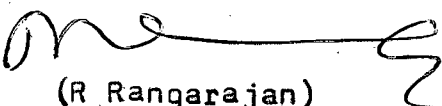
of Cherianadu Village. According to the above requirement, the applicant would not ~~be xxx~~ eligible for selection to the above post. But this Tribunal had in three applications (DA 808/91, DA 1018/90 and DA 1791/91) held that the condition of permanent residence within the Village where the post office is situated is unconstitutional and that residential qualifications should be insisted upon only after the selection and appointment. When this position was explained, counsel on either side agreed that the application can now ^{be} disposed of with direction to the Respondent-1 to finalise the selection after considering the applicant also. It was suggested by the learned counsel for the respondents that if the applicant is directed to appear before Respondent-1 on a specified date producing all the required certificates, the applicant's case would be considered and final selection will be made accordingly.

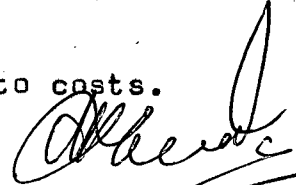
4 In the result, having considered the submission made by the counsel on either side, we dispose of the application with the following directions:-

(a) the applicant shall appear before Respondent-1 producing the relevant certificate regarding educational qualifications and income during office hours on 26.3.93.

(b) the respondents shall finalise the selection to the post of EDBPM, Neduvaramcode P.O. after considering the case of the applicant also on merits.

5 There will be no order as to costs.


(R Rangarajan)
Administrative Member


(AV Haridasan)
Judicial Member

16-3-1993