

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.295/98

Friday this the 3rd day of April, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

M.I. Ismail,
E.D.M.C. Erumathala PO,
Aluva-683 105.

...Applicant

(By advocate Mr. K.G. Anil Babu)

Vs.

1. The Union of India represented by the Secretary, Ministry of Communications, Department of Posts, New Delhi.
2. The Director General of Posts, Dak Bhavan, New Delhi.
3. The Assistant Superintendent of Post Offices, Aluva Postal Sub Division, Aluva. ...Respondents

(By advocate Ms. Mary Nirmala for ACGSC T.M.Nellimootil)

The application having been heard on 3.4.98, 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 has been engaged as a substitute E.D.Mail Carrier w.e.f. 9.12.96 was provisionally appointed on the post with effect from 7.2.97 by A.1 order. Coming to know that the respondents are going to fill up the post on a regular basis on 7.1.98, the applicant made a representation requesting that he may be regularly appointed. However, the respondents did not consider his candidature at the interview held on 12.1.98 and proceeded with the process of selection. Therefore, the applicant has filed this application for a declaration that the interview and selection conducted on 12.1.98 for regular appointment as

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E.D.M.C. Erumathala Branch Post Office is illegal and void and that he was entitled to be considered for regular appointment as Extra Departmental Mail Carrier and for a direction to consider the applicant also for appointment as E.D.M.C. Erumathala on a regular basis.

2. The respondents in their reply have stated that the request of the applicant for regular appointment was received well before the date of selection but he was not considered as the selection was confined to the nominees of the Employment Exchange alone. They have also stated that the selection process is not complete in view of the pendency of the case and the result has not been published and appointment has not been made. The respondents further stated in the reply statement that the candidates not sponsored by the Employment Exchange would be considered only if there is such a direction by the Tribunal.

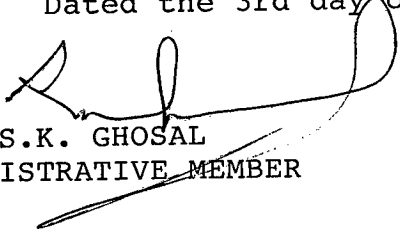
3. Having heard the counsel for the parties and having perused the pleadings in this case taking note of the fact that the selection has not been finalised and results have not been published, we are of the considered view that the applicant who had put forth his candidature well before the date of interview on 12.1.98 is also entitled to be considered for selection though his name was not sponsored by the Employment Exchange in view of the ruling of the Hon'ble Supreme Court in Excise Supdt. Malkapatnam, Krishna Dist. A.P. Vs. KBN Visweswara Rao and others 1996 (6) SCC 216. Since the result of the selection has not been published, we are of the considered view that the application can now be disposed of directing the respondents to finalise the selection only after

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considering the candidature of the applicant also even though his name has not been sponsored by the Employment Exchange. Hence we order accordingly. Further action in the matter of selection may now be taken up in view of the above directions. No order as to costs.

Dated the 3rd day of April, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A1: Appointment Order No.M.2/Erumathala
dated Aly. 1.4.1997

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