

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.296/96

Monday, this the 5th day of January, 1998

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

V. Gangadharan,
Extra Departmental Mail Carrier,
Kureepuzha P.O.,
Kollam District.

Applicant

By Advocate Mr N. Nagaresh.

Vs.

1. Sub Divisional Inspector of Post Offices,
Kollam North Sub Division,
Kundara P.O.
2. Senior Superintendent of Post Offices,
Kollam Division,
Kollam.
3. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.

Respondents

By Advocate Mr Mathews J. Nedumpara, Addl.CGSC.

The application having been heard on 5.1.1998,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks for a direction to the respondents to consider his claim for regular appointment to the post of Extra Departmental Mail Carrier, Kureepuzha Post Office and to appoint him as Extra Departmental Mail Carrier, Kureepuzha on a regular basis after setting aside A-7.

2. The applicant is a retired Postman presently working as Extra Departmental Mail Carrier, Kureepuzha in Kollam North Postal Sub Division. The applicant submitted a representation A-5 dated 16.1.96 to the first respondent requesting to appoint

him on a regular basis. An identical representation was also submitted as per A-6 to the second respondent. As per A-7, the impugned order dated 30.1.96, the applicant was informed by the second respondent that the vacant post of Extra Departmental Mail Carrier, Kureepuzha P.O. is to be filled from among the nominees sponsored by the Employment Exchange.

3. Respondents resist the O.A. by contending that as per R-1 dated 4.9.82, only candidates nominated by the Employment Exchange can be appointed to the post of Extra Departmental Delivery Agent.

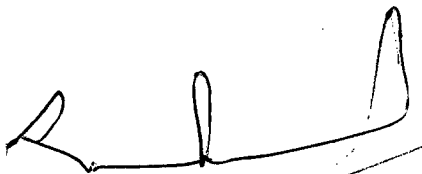
4. It has been held by the Apex Court that sponsorship by the Employment Exchange need not be insisted upon for considering the candidature of a candidate like the applicant to a post like this. That being the position, the stand taken by the respondents that the applicant cannot be considered for the post of Extra Departmental Mail Carrier on the ground that his name has not been sponsored by the Employment Exchange cannot be upheld or accepted.

5. In the reply statement it is stated that after the issuance of R-1 the mode of appointment of E.D. Agents has been drastically modified and earlier administrative instructions have been relegated to the background. Learned counsel appearing for the applicant drew our attention to A-3 wherein it is stated that wherever possible, first preference should be given to SC/ST candidates, apart from P & T and other government pensioners for appointment as E.D. Agents. With reference to A-3, we specifically asked the learned counsel for the respondents whether it is still in force or not and the learned counsel for the respondents submitted that A-3 is very much in force even today inspite of the issuance of R-1.

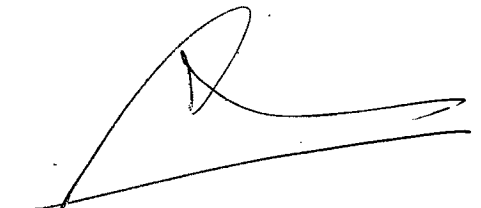
6. Hence, A-7 dated 30.1.96 is set aside and the first respondent is directed to consider the candidature of the applicant, if he is otherwise qualified along with other candidates for regular appointment to the post of Extra Departmental Mail Carrier, Kureepuzha Post Office, though he has not sponsored by the Employment Exchange. While considering the candidature of the applicant the first respondent shall also bear in mind the instructions contained in A-3 i.e., DG P&T's letter No.43-246/77-Pen dated 8.3.1978.

7. The application is disposed of as above. No costs.

Dated the 5th of January, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES

1. Annexure A-3: Letter No.43-246/77-pen dated 8.3.1978 issued by the Director General of Posts and Telegraphs.
2. Annexure A-5: Representation dated 16.1.1996 submitted to the 1st respondent alongwith English Translation.
3. Annexure A-6: Representation dated 22.1.1996 submitted to the 2nd respondent, alongwith English Translation.
4. Annexure A7: Letter No.83/54 dated 30.1.1996 issued by the 2nd respondent.
5. Annexure R1: Letter No.45-22/71-SPB-1 dated 4.9.1982 issued by the Director General of Posts & Telegraph, New Delhi.

.....