

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.297/99

Wednesday this the 7th day of July, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

S.R.Ramanikkutty,
Srambikkal House,
Opposite to Sakthi Auditorium,
Alappuzha-688 007.

....Applicant

(By Advocate Mr. N. Sukumaran)

Vs.

1. The Director General of Post Offices,
Ministry of Communications of Posts,
Dak Bhavan, New Delhi.1.
2. The Postmaster General,
Central Region, Kochi.
3. Superintendent of Post Offices,
Alappuzha Division,
Alappuzha.
4. Smt. B.Ramadevi,
Thapasya, Vettuveny,
Harippad.14.

...Respondents

(By Advocate Ms. S.Chitra for R.lto3)

The application having been heard on 7.7.99, the tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant coming to know that there was a
vacancy of Extra Departmental Branch Post Master, Kommady
submitted an application to the third respondent offering
her candidature on 18.9.98. Her grievance is that the
respondents 1 to 3 have selected and appointed the fourth
respondent without considering her candidature. Alleging
that the 4th respondent is a person who belongs to Haripad,
which is outside the area where the Post Office situate,
and that the selection and appointment of the 4th
respondent is illegal as the applicant's candidature has

not been considered, the applicant has filed this application impugning the A.VIII order dated 13.1.99 by which the post of Extra Departmental Branch Post Master. Kommady Ward was offered to the 4th respondent ^{and} for a direction to the third respondent to appoint the applicant as Extra Departmental Branch Post Master, Kommady Ward Post Office.

2. The respondents 1 to 3 contend that the recruitment action for filling up of the vacancy was initiated on 7.8.98 by placing a requisition before the Employment Exchange, that the nominees of the Employment Exchange and those who had obtained orders from the Tribunal were considered and the 4th respondent who was found the most meritorious ~~was~~ selected and appointed. The rejection of the candidature of the applicant ~~was~~ sought to be justified on the ground that in the instructions issued by the Director General (Posts) on 14.8.98 it has been stipulated that in addition to notification to the Employment Exchange, public advertisement should be given and those who respond also should be considered but such a procedure need not be adopted in the case of recruitment process which had already been initiated prior to 14.8.98. As no public advertisement in this case was issued as the recruitment action had already been initiated prior to 14.8.98 and as the applicant's application was received after that date, the respondents 1 to 3 contend that there is absolutely no illegality in the process of selection and appointment of the 4th respondent.

3. On a careful scrutiny of the pleadings and on hearing the learned counsel on either side, we are of the

considered view that there is nothing illegal in the selection and appointment of the 4th respondent. Pursuant to the decision of the Apex Court in **Excise Supdt. Malkapatnam, Krishna Dist. A.P. Vs. K.B.N. Visweswara Rao and another** 1996 (6) SCC 216 the Director General (Posts) issued instructions to the Chief Post Master Generals on 14.8.98 stating that thereafter in addition to notification to the employment exchanges, while selection made to the E.D.Posts public advertisements locally should also be made and those who respond should also be considered. However in the same instructions the Director General had stated that such a procedure need not be adopted in the case of recruitment process which had already been initiated. As the recruitment process in this case was initiated on 7.8.98 by notifying to the employment exchange, we are of the considered view that the respondents 1 to 3 have acted only in accordance with the guidelines issued by the Director General (Posts) in his instructions dated 14.8.98 and that the non-consideration of the applicant's candidature therefore, cannot be faulted. However, in the ruling of the Hon'ble Supreme Court in **Excise Supdt. Malkapatnam, Krishna Dist.A.P. Vs. KBN Visweswara Rao and another** it has not been held that a selection and appointment made by considering those who have been nominated by the Employment Exchange without issuing a public advertisement would be invalid. Therefore, the contention of the applicant that the selection and appointment of the 4th respondent is vitiated has no force. The ground taken by the applicant that as the 4th

respondent was not a resident within the area of the Post Office in question and therefore was ineligible for appointment is also without force because as per the extant instructions only after appointment an E.D.Branch Post Master need take up residence within the area of the Post Office concerned.

4. In the light of what is stated above, we find no merit in this application which is dismissed leaving the parties to bear their costs.

Dated the 7th day of July, 1999

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexure referred to in the order:

Annexure A.VIII: True copy of the order of the third respondent No.B3/Commady Ward dt.13.1.99.

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