

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 373/94

Wednesday, this the 2nd day of March, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI PV VENKATAKRISHNAN, MEMBER(A)

Muraleedharan G,
Kadaumannur Melethil House,
Koodal PO, Pathanamthitta. .. Applicant

By Advocate Shri P.C.Sebastian.

V/s

1. The Assistant Superintendent of Post Offices, Pathanamthitta Division, Pathanamthitta.
2. The Employment Officer, District Employment Office, Pathanamthitta.
3. The Senior Superintendent of Post Offices, Pathanamthitta Division, Pathanamthitta. .. Respondents

By Advocate Shri K.Karthikeya Panicker, ACGSC.

ORDER

N. DHARMADAN

Applicant apprehends that he will not be considered in the regular selection to the post of EDMC, Vallikodu-Kottayam Branch Post Office on account of the "cut-off" date about the registration with the Employment Exchange for sponsoring the names of candidates for consideration by the postal authorities and also the condition that only persons having permanent residence in the Vallikode Village alone should be considered for the selection.

2. Applicant is presently working as EDMC, Vallikodu-Kottayam Branch Post Office w.e.f. 21.2.94 against a clear vacancy created due to resignation of the regular incumbent. Prior to his appointment in the above post, he had worked in various post offices as ED Agent, under the first respondent, both on provisional basis and as 'substitute'.

3. The limited prayer of the applicant is to direct the first respondent to consider the applicant also in the regular selection to be conducted, pursuant to Annexure-A15 notification along with candidates sponsored by the Employment Exchange and for a direction to respondents 1 & 3 not to terminate his service before regular selection and appointment.

4. We have heard the learned counsel of both parties. After hearing the learned counsel on both sides, we are of the view that in the facts and circumstances of the case, the O.A. can ~~be~~ disposed of in the interest of justice with appropriate directions, at the admission stage itself.

5. Both the conditions fixed in the notification are unsustainable for they are directly contradictory to the rulings of this Tribunal. This Tribunal has settled the law regarding the residential condition and held that it can only be treated as condition to be enforced subsequent to the appointment and not to be treated as a condition precedent for selection and appointment to an ED post. Regarding the "cut-off" date for sponsorship of names for selection to ED posts, we have held that fixing a "cut-off" date for sponsoring candidates is illegal.

6. Accordingly, we admit the application and dispose of the same directing the first respondent to consider the applicant also in the regular selection of EDMC, Vallikodu-Kottayam Branch Office along with other candidates

sponsored by the Employment Exchange, notwithstanding the conditions in Annexure-A15 notification. We further direct the respondents that applicant shall be allowed to continue in the present post till the regular selection and appointment of duly selected candidate in the above post.

7. The application is disposed of as above. There will be no order as to costs.


Venkatakrishnan

(P.V.VENKATAKRISHNAN)
MEMBER (A)


2.3.94.

(N.DHARMADAN)
MEMBER(J)

v/-