

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, P A T N A

O.A.No.: 258 of 1996

Date of Decision : 26-MAR-2001

Rabindra Singh, son of Shri Ram Singh, resident of village Hematpur, D.O.: Mainpura, District : Bhojpur.

.....APPLICANT.

By Advocate : Shri B.N.Yadav.

Vs.

1. The Union of India through the Secretary, Ministry of Communication, Department of Posts, New Delhi-cum-The Director General, Department of Posts, India, Dak Bhavan, New Delhi-110 001.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Superintendent of Post Offices, Bhojpur Division, Arrah.

.... RESPONDENTS.

By Advocate : Shri G.K.Agarwal, ASC.


C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.

HON'BLE MR. L.R.K.PRASAD, MEMBER (ADMINISTRATIVE)

OPEN COURT ORDER

JUSTICE S.NARAYAN, V.C.:- The applicant herein has prayed for a direction upon the respondent no.3 insisting to conclude the selection proceeding for appointment to the post of Extra-Departmental Branch Postmaster, Mainpura EDBO, in terms of the eligibility criteria as spelt-out in the employment notice dated, 24th July, 1995, issued by the respondent no.3 to the District Employment Officer, Bhojpur, as at Annexure-A/1.

2. In order to cut short the matter, we may formulate the scope of the instant O.A. by pointing out that the controversy relates to only in regard to whether,  candidate within the zone of consideration for selection to the post of EDBPM in question should necessarily belong to the post village, Mainpura, and should have a permanent residence in that village? As

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asserted on behalf of the applicant, the requirement of this eligibility criteria was only to the extent that if a candidate is selected to the post, he shall have to arrange residence in the said post village i.e., at Mainpura, and not that he should necessarily belong to that village with a permanent residence. As against this, it was contended, inter-alia, on behalf of the respondents that the candidate ought to have a permanent residence in the post village i.e., at Mainpura.

3. In order to determine the controversy, as raised above, we may straightway refer to the employment notice dated, 24th July, 1995, itself. We find that in regard to the said criteria there was a requirement only to the effect that the candidate selected for the post shall have to arrange residence in ^{that} ~~the~~ post village and not that he should actually belong to the village permanently. That being the position, it cuts at the very root of the contention, as raised on behalf of the official respondents.

4. This is not all. We further find that even in the subsequent public notice issued by the officials respondents asking applications from the general public also there was mention like that the candidate must be in a position to arrange accommodation/residence in the post village Mainpura. Here, again we have taken note of the fact that there was no condition like that the ~~candidate~~ should actually belong to the post village with a permanent residence.

5. To crown all, we may refer ^{to} the guideline issued by the Ministry of Communication, Postal Department

Government of India, as contained in the circular no.17-104/93, dated, 7th January, 1994, which makes it clear that from the cut-off date 6th December, 1993, and onwards, the Postal Department should not insist for the candidate participating in the selection process to have necessarily a permanent residence in the postal village, meaning thereby, that it was no more required that the candidate must permanently belong to the postal village. What was required was simply this much that if a candidate was selected to the post, he must arrange some accommodation and residence so as to accommodate the Branch Post Office therein in the postal village.

6. If we abide by the aforesaid guideline, the contention of the applicant has got to be accepted that when only three names had been sponsored by the Employment Exchange, the zone of consideration had to be kept limited within those three candidates and there was no necessity for the postal authorities to go for further public advertisement. Probably, because none of the sponsored candidates had permanent residence in the Postal village Mainpura, the postal authority had taken a decision to issue afresh employment notice and, this time, not directing the Employment Exchange authorities rather, directly inviting application from public. This, in our considered opinion, was not warranted by law.

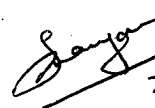
7. Before, we come to a conclusion, we make it clear that no final decision has yet been taken by the postal authorities by selecting a particular candidate. In a position like this, we would direct the

postal authorities to go ahead with the selection process confining the zone of consideration as per the employment notice dated, 24th July, 1995 (Annexure-A/1), meaning thereby, that the selection has to be made only amongst the three candidates then sponsored by the Employment Exchange, including the applicant.

8. This O.A. is, accordingly, disposed of with the direction, as above. The M.A. also stands disposed of in the light of the order passed in the OA. There shall be no order as to cost.

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(L.R.K.Prasad)
Member (A)


(S.Narayan)
Vice-Chairman

26-3-01