

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No. 908/96

this the 20th day of April, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

Pralhad S/o Omkar Patil
aged 27 years Occupation: Postman
R/o Mamalde Tq. Chopda,
District Jalgaon. ..Applicant

By Advocate: Ms. S.V. Bhosale, proxy counsel for
Shri. V.N. Tayade, Counsel.

Versus

1. The Union of India
(copy to be served on the
Presenting Officer, CAT
Bench: Bomaby.)
2. The Senior Superintendent,
Post Offices,
Division Jalgaon.
3. The Assistant Director of Employment,
Jalgaon.
4. The Sub-Divisional Inspector (PT)
Yaval Sub-Division, Yaval
(Department of Posts)
5. Anil S/o Yuvraj Bhalerao
Aged Major, Occupation Nil,
R/o Mamalde Tq. Chopda,
District Jalgaon. ..Respondents

By Advocates: Shri P.M. Pradhan, Counsel for respondents 1,2 & 4.
Shri V.S. Masurkar, Counsel for respondent No.3.

ORDER

Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this OA has challenged the appointment
of respondent No.5 as Extra Departmental Delivery Agent (EDDA)
at Mamalde given to him by the Sub-Divisional Inspector (PI),
Yaval Sub-Division, Yaval.

2. The applicant submits that he has passed
the Higher Secondary Examination in 1989 and had already worked

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as EDDA against leave vacancies on various occasions during 15.6.95 to 30.3.96 for different spells of time and one Dalip Onkar Patil was also working as EDDA at Mamalde but was transferred from Mamalde to Bombay vide order dated 29.3.96 so the applicant was appointed against his post on temporary basis.

3. In the meanwhile Sub-Divisional Inspector (PI) Yaval Sub-Division, Yaval had sent a requisition to the employment office for filling up the post of EDDA. The Employment Office had forwarded the name of the applicant of the also. The Sarpanch/Gram Panchayat, Mamalde was also asked to send the names of the eligible candidates and to contact the office of the Sub-Divisional Employment Officer, Jalgaon. The Sub-Divisional Officer, Jalgaon recommended the names of all the 5 candidates including the applicant and respondent No.5. However, it is submitted that the respondent No.5 was under age when his name was recommended.

4. It is further stated that the Sub-Divisional Inspector (PI) Yaval did not call any of the candidates for the interview nor conducted any written test but issued an order stating that the respondent No.5 is selected and directed him to join as EDDA at Mamalde vide order dated 30.7.96. The applicant submits that he was more qualified and he had a better right to be appointed so he claims that the appointment of respondent No.5 be quashed which has been made in violation of the rules.

5. The respondents are contesting the O.A. and they ~~pleaded~~ that the Sub-Divisional Inspector, Yaval Sub-Division in

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accordance with the Recruitment Rules placed a requisition to the Sub Divisional Employment Officer for sponsoring the candidates in order to fill the post of EDDA, Mamalde. The Employment Exchange sponsored the name of 5 candidates which included the name of the applicant in pursuance of the requisition placed in the employment office, Jalgaon had also requested the Sarpanch, Gram Panchayat to send the name of eligible candidates to the employment office. It is on receipt of the recommendations of the Gram Panchayat that the Employment Officer had sent the names to Sub-Divisional Inspector, Yaval.

6. Respondent Nos. 1 to 4 deny that the respondent No.5 who was appointed as EDDA was under age at that time stated that and the age was to be verified by the Selection Committee itself.

7. It is further submitted by the respondents that there is no provision for calling the candidates for interview or for written test for selection to the post of EDDA and as per the Extra Departmental Conduct & Service Rules, the selection criteria is based on eligibility condition, educational qualification and other requirements such as owning of assets by the candidates etc. Out of 5 candidates sponsored by the Employment Exchange, respondent No.5 was selected on the basis of the documentary evidence submitted by him after observing all the pre-requirement formalities and selection to the post was made on 1.8.96 by the Sub Divisional Inspector, PI, Yaval, so it is submitted that the appointment was given to respondent No.5 in accordance with the rule.

8. Respondent No.3 has filed a separate counter-affidavit and has submitted the same pleas as taken by respondent Nos.1, 2 and 4.

9. We have heard the learned counsel for the respondents Shri P.M. Pradhan for respondent Nos. 1, 2 and 4 and Shri V.S. Masurkar for respondent No.3

10. At the request of the junior appearing for the applicant, the case was listed today. Today again we kept waiting for the counsel for the applicant but the junior counsel appeared as proxy counsel and we proceeded to decide the case.

11. The respondents have produced the record regarding selection of the candidates as EDDA. The file pertaining to the selection of the candidates show that all the 5 candidates were considered. The Selection Committee had given their assessment marks on the basis of the documentary evidence and on the basis of the rules and instructions to be followed for appointment to the post of EDDA. Out of all the candidates it is the respondent No.5 who had obtained 56% of marks which was the highest and accordingly he was selected. So after perusing the file, we find that there is no violation of any rule in giving appointment to respondent No.5 as EDDA and all the allegations made by the applicant in his OA are devoid of any merit.

12. In view of the above, OA does not call for any interference and the same is dismissed. No costs.

Shanta F
(MRS. SHANTA SHASTRY)
MEMBER (A)

Kuldip
(KULDIP SINGH)
MEMBER (J)

Recd. unserved Judgement
from Applicant, kept
in 'C' folder.

PP
12/6.