

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 14TH DAY OF NOVEMBER, 1986.

PRESENT:-

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

v.

Hon'ble Mr. P. Srinivasan,

.. Member(A)

APPLICATION NUMBER 1795 OF 1986.

Nagaraja,

S/o B. Ramappa, Prospective E.D.M.C.
Air-Force Station, Yelahanka,
Bangalore.

.. Applicant.

(By Sri M.R. Shylendra, Advocate).

v.

1. Assistant Superintendent of
Post Offices, Bangalore East
Sub-Division-1, Bangalore-46.

2. A. Ramadas,
Official E.D. Mail Carrier,
Air Force Station,
Yelahanka, Bangalore.

.. Respondents.

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This application coming on for hearing this day, Vice-Chairman made the following:-

ORDER

In this application made under Section 19 of the Administrative Tribunals Act of 1985 ('the Act'), the applicant has challenged his non-selection and the selection of respondent-2 to the post of Extra Departmental Mail Carrier (EDMC) of Air Force Station, Yelahanka, Bangalore.

2. While the case of the applicant to the post of EDMC was sponsored by the concerned employment exchange, where he had got his name registered, respondent-2 made his application to that post in

in response to a notification calling for applications, issued thereto by the appointing authority. On a consideration of the relative qualification of the applicant, respondent-2 and others, the appointing authority had selected and appointed respondent-2 to the post on and from 26-9-1986. Hence, this application.

3. The applicant has urged that the appointing authority should have confined the range of selection only to persons sponsored by the employment exchange as required by the instructions issued by the DGP&T, printed on pages 33 and onwards of Swamy's compilation of Service Rules for Posts and Telegraphs Extra Departmental Staff.

4. Para 7(II) of the instructions issued by the Director General, provides for making appointments from among persons whose names are sponsored by the Employment Exchanges. But, that para or the requirements of the Constitution do not prohibit the appointing authority from calling for applications from eligible persons, consider their applications along with those sponsored by the employment exchanges and select the best from among them to the post. What had been done is exactly this. We cannot, therefore, on principle or authority take exception to the same.

5. On the relative merits of the applicants the selection authority is the best authority to make a selection and this Tribunal cannot examine its selection as a court of appeal and come to a different conclusion. We cannot, therefore, interfere with the selection of respondent-2 or the non-selection of the applicant.

6. As the only contention urged for the applicant fails, this application is liable to be rejected. We, therefore, reject this application at the admission stage without notice to the respondents.

K. S. Ramesh
VICE-CHAIRMAN. 14/11

P. S. Ramesh
MEMBER(A). 14/11/86