

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 25 JAN 1995

APPLICATION NO: 954 of 1994.

APPLICANTS:- Sri.S.C.Umanabedi,
V/S.

RESPONDENTS:- The Sr.Suptd.of Post Offices,Bijapur and another.

To

1. Sri.S.K.Mohiyuddin, Advocate, No.11,
Jeevan Building, Kumarapark East,
Bangalore-560 001.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.
High Court Bldg, Bangalore-1.

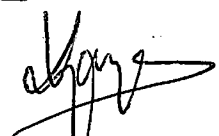
Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 13-01-1995.

Issued on
25/01/95

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CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 954 OF 1994

FRIDAY, THIS THE 13TH DAY OF JANUARY, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member (A)

S.C. Umanabedi,
24 years, S/o Chandramanappa
Umanabedi, Branch Post Master,
Yambathanal B.O.,
Sindgi Taluk, Bijapur District.

.. Applicant.

(By Advocate Shri S.K. Mohiyuddin)

v.

1. The Senior Superintendent of
Post Offices, Bijapur.
2. Sri N.C. Gadagalavu,
S/o Chandasab Gadagalavu,
Yambathnal B.O., Sindgi Taluk.

.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We dispose of this application at the admission stage itself having heard Sri S.K. Mohiyuddin, learned counsel for the applicant and Shri M. Vasudeva Rao, learned Standing Counsel for respondent-1, the pleadings also being otherwise complete. The applicant complains of his non-selection to the post of Branch Post Master at Yambathenalu Branch Office in Bijapur District.

2. Admittedly he held that post provisionally for some time and while working in that post he did submit his application



to the department for consideration for regular appointment. Whatever that may be the department had no option except to call for nominations from the concerned employment exchange. It appears five names were sponsored by the employment exchange, but the applicant's name was not one of them. From that list, the department considered one of the five persons sponsored by the Employment Exchange to be suitable and appointed one of them viz., respondent-2 who had scored highest marks in the S.S.L.C. examination. It now transpires that the applicant has since been relieved and charge of the office given to the appointee, respondent-2.

3. Shri S.K.Mohiyuddin says that his client having applied for the post, his case should have been considered. He buttresses his argument by adding that his client is a physically handicapped person. Unfortunately, we cannot do anything for the applicant. He is not one of those sponsored by the Employment Exchange and the Rules require that the employment exchange is to be consulted first and if the exchange fails to sponsor candidates then only it is open to the department to throw the position to the general public by issuing a suitable notification.

4. This is a case in which the other alternative was not resorted to because the employment exchange came up with the requisite number of candidates and one of them was duly selected. The fact that the applicant put forward his candidature on his own is of little consequence so long as he was not sponsored by the Employment Exchange. Mr. Mohiyuddin says that the applicant had also registered his name in the relevant Employment Exchange. But, unfortunately for him his name was not sent up by the Exchange and the upshot was he was not considered

for selection. On facts it is clear that the department has not committed any error in not considering the case of the applicant and this is the only point raised for consideration, this application therefore fails and is rejected. We however, observe that in the event of any vacancy arising in future in the department, it is open to the applicant to apply for the same in which event the department may take note of the fact that it has had the benefit of his service for some time and give him some weightage in that behalf specially if he happens to be a handicapped person.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN. /



TRUE COPY

[Signature]
25/10/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore