

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 17 FEB 1995

APPLICATION NO: 1676 of 1994.

APPLICANTS:- Mr. I. S. Chikkamath, Kallapur.,
V/S.

RESPONDENTS:- The Secretary, Deptt. of Posts, New Delhi
and two others.,

To.

1. Sri. Vighneshwar S. Shastri, Advocate,
No. 95, Upstairs, Gayathiri Nilaya,
8th Cross, Malleswaram, Bangalore-3.
2. Sri. M. S. Padmarajaiah, Senior Central
Government Standing Counsel,
High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Orders 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 09-02-1995.

Issued on
17/02/95

gm*


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 1676 OF 1994

THURSDAY, THIS THE 9TH DAY OF FEBRUARY, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A).

I.S. Chikkamath,
Aged about 37 years,
Occ: Branch Post Master,
Kallapur Post Office,
Kallapur Post, District Dharwad.

.. Applicant.

(By Advocate Shri Vighneshwar S. Shastri)

v.

1. The Union of India,
represented by its Secretary
to Department of Posts, Ministry
of Communications, New Delhi-110 001.
2. The Superintendent of Post Offices,
Haveri Division, Haveri-581 110
District Dharwad.
3. The Assistant Superintendent of Post
Offices, Haveri Division, Haveri
581 110, District Dharwad.

.. Respondents.

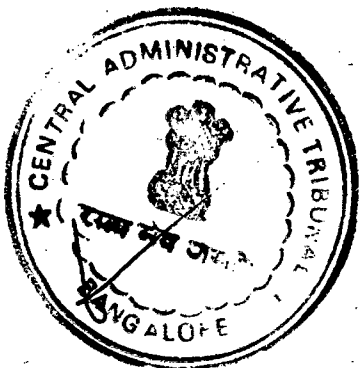
(By Standing Counsel Shri M.S. Padmarajaiah)

ORDER

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

Heard both sides at the stage of admission. The applicant sought for placement as Branch Post Master of Kallapur Post Office, but was turned down on the ground that he does not satisfy the residential qualification. It now transpires the vacant slot for which the applicant aspired has since been filled and presently the applicants endeavour seeking for that position is clearly futile.

2. It is regrettable the applicant's claim for that position has been turned down on the ground of residential qualification



which has since been held to be untenable and struck down by the Bench of the Ernakulam Tribunal. Subsequently the department also amended the Rules of Recruitment which do not now make it obligatory to reside at a place where the post office is situated. The amendment was certainly current at the time the applicant's claim for placement was turned down on the ground of residential qualification. Ofcourse, the rejection of his case does appear to be totally erroneous. But, that faux pas having occurred and the position having gone to somebody else, we think it inappropriate to permit the applicant to join issue in this matter at present. However, we are told that there are some vacancies in the adjacent Hirekerur Taluk. If that is so, it would be open to the applicant to make an appropriate application therefor and if that is done, the department will consider the same and dispose it off appropriately. If the applicant makes an attempt next time seeking placement as a Post Master the Department will consider the same sympathetically subject to there being a vacancy.

In the result, this application stands disposed off.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN. L



TRUE COPY

[Signature]
17/02/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore