

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT PANAJI, GOA

O.A. No. 964 of 1997

DATED: THIS 7TH DAY OF OCTOBER, 1998

CORAM : Hon. Shri Justice K.M. Agarwal, Chairman
Hon. Shri N. Sahu, Member([A])

Mrs. Smita Shirish Bhide
House No.B-236
Patto Ribandar
Goa 403 006
(By Adv. Mr. C.B.Kale)

..Applicant

v/s.

1. Union of India through the
Chief Post Master General
Maharashtra Circle, Mumbai
2. The Postmaster General
Goa Region
Panaji 403001

..Respondents

OPEN COURT ORDER

(Per: K.M. Agarwal, Chairman)

1. This is an application filed under section 19 of the Administrative Tribunals Act, 1985 for directing the respondents to appoint the applicant as Postal Assistant (Savings Bank Control Organisation - SBCO) in Goa Region against the vacancy that was available according to her turn as per merit list.

2. It appears that the respondents invited applications for filling up 16 vacancies to the post of Postal Assistant (SBCO) by advertising the post in Nav Hind Times, a daily news-paper dated 4.10.1996. The applicant applied for one of the said

posts. It is alleged that although the applicant fulfilled all the requisite qualifications and completed all the formalities she was given no regular appointment. Her provisional selection given for one of the posts was cancelled by the impugned order dated 17.4.1997 (Annexure A-2). Being aggrieved the applicant has filed the present O.A.

3. The O.A. is resisted by the respondents by filing their counter.

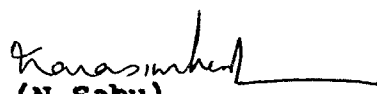
4. After hearing the learned counsel for the parties and perusing the record, we find that the only ground ^{raised} to make the applicant's selection null and void to one of the posts of Postal Assistant (SBCO) is that she did not possess an employment exchange card indicating that her name was registered in the employment exchange at Goa on or before 31.10.96. It appears from the impugned order that the applicant had submitted her application on 24.10.96 and at that time it was mentioned that her name was registered with Employment Exchange at Belgaum and the same would be transferred to the Employment Exchange in Goa. As per the advertisement a candidate for the post was required to be registered in any of the employment exchanges on or before 31.10.96. The impugned order further shows that according to the photo copy of Goa employment exchange registration card produced by her husband, her name was registered in the employment exchange, Goa on 5.11.96 and not on or before 31.10.96. According to us this

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ground was insufficient to declare the provisional selection of the applicant for one of the said posts as null and void. The order does not show that the information furnished on 24.10.96 by the applicant that her name was registered with the employment exchange Belgaon was incorrect. Further if there was clause or condition inserted in the advertisement about registration of the candidate with the employment exchange of Goa, ^{that} was not sufficient to reject selection of the applicant to one of the posts of Postal Assistant.

If it was considered to be a must, the applicant ought not ^{to} have been considered for the post or her application should not have been entertained before 31.10.1996 when she herself confessed that her name was registered with employment exchange, Belgaum, and not with any employment exchanges in Goa. For the above reasons the selection of the applicant may be irregular but cannot be said to be illegal merely on the ground of non-registration of her name with any employment exchanges in Goa on or before 31.10.1996.

5. In the result, we are of the view that this O.A. deserves to be allowed and is accordingly allowed. The impugned order dated 17.4.1997 (Annexure A-2) is quashed and the Respondents are directed to give the applicant appointment against any existing vacancy in the post of Postal Assistant (SBCO). We make it clear that the claim for seniority of the applicant over others is rejected. This order be complied with within a period of one month from the date of receipt of a copy of this order. No order as to costs.


(N. Sahu)
Member (A)


(K.M. Agarwal)
Chairman