

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 3.5.2002

OA No. 117/97

Om Prakash Sain son of Shri Gopal Lal aged 29 years resident of Village and post office Banskho Tehsil Bassi District Jaipur and working as Extra Departmental Packer Post Office, Banskho.

....Applicant.

VERSUS

1. Union of India through the Secretary to the government of India, Department of Posts, & Ministry of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Assistant Superintendent of Post Offices, Dausa Sub Division, Dausa.
4. Supdt. of Post Offices, Jaipur Moffusil Division, Jaipur.
5. Shambu Dayal son of Nathu Ram Village and Post Office Banskho, District Jaipur.

....Respondents.

Mr. K.L. Thawani, Counsel for the applicant.

Mr. R.L. Agarwal, Proxy counsel for

Mr. Bhanwar Bagri, Counsel for the respondents.

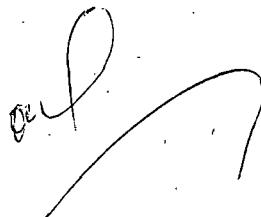
CORAM

Hon'ble Mr. Justice O.P. Garg, Vice chairman

Hon'ble Mr. A.P. Garg, Vice Chairman

ORDER

PER HON'BLE MR.. JUSTICE O.P. GARG, VICE CHAIRMAN



Heard Mr. K.L. Thawani, Counsel for the applicant, as well as Mr. R.L. Agarwal holding brief for Mr. Bhanwar Bagri, counsel for the respondents.

2. A very short point is involved in this case as ~~convinced~~ by the learned counsel for the applicant. The point is whether the candidature of the applicant could be rejected by the departmental authorities merely on the ground that his name was not sponsored by the Employment Exchange.

3. It was so happened that applicant was appointed on provisional basis on 2.1.97 as Extra Departmental Packer. The applicant had applied for selection to the regular post along with other candidates. The candidature of the applicant was rejected only on the ground that his name was not sponsored by the Employment Exchange. The learned counsel for the applicant has cited a decision of the Apex Court in Excise Superintendent Malka Patnam vs. K.B.N. Visweshwara Rao reported in 1996 SCC(L&S) 1420. In this case it is held that it is not necessary that candidature should be sponsored by the Employment Exchange.

4. In view of the above firm law as laid down by the Hon'ble Supreme Court, applicant was not required to be excluded for the post, he had applied.

5. The learned counsel for the applicant also pointed out that respondent No. 5, Shri Shambu Dayal, has been appointed while the applicant was ignored having superior qualification in comparision to respondent No. 5. We would not like to disturb the appointment of respondent No. 5 at this late ~~stage~~ level as he had completed more than five years of service. However, we dispose of this OA with the direction that the respondent department shall consider the candidature of the applicant against any existing post unmindful of the fact that he has been or has not been sponsored by the Employment Exchange. No order as to costs.

Chips
(A.P. NAGRATH)

MEMBER (A)

O.P. GARG
(O.P. GARG)

VICE CHAIRMAN