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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 31.1.97

OA 25/97

Prabhu Singh, EDEPM, Kalinjar EDFO, Beawar (Pajasthan).

... Applicant

Versus

1. Union of India through Secretary to the Government, Department of Posts, Ministry of Communication, New Delhi.
2. Chief Post Master General, Pajasthan Circle, Jaipur.
3. Post Master General, Pajasthan Southern Circle, Ajmer.
4. Superintendent of Post Offices, Beawar Postal Division, Beawar.

... Respondents

CORAM:

HON'BLE MR.GOPAL TRISHNA, VICE CHAIRMAN

HON'BLE MR.O.P. SHAFMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.C.B.Sharma

For the Respondents

... Mr.K.N.Shrimal

O R D E R

PER HON'BLE MR.GOPAL TRISHNA, VICE CHAIRMAN


Applicant, Prabhu Singh, in this application u/s 19 of the Administrative Tribunals Act, 1985, has mainly sought a direction for consideration of his candidature for the post of EDEPM in view of Ann.A-1, dated 13.1.97, and to give him regular appointment thereafter. He has also prayed that the respondents be directed not to dis-engage him from his present post.

2. We have heard the learned counsel for the parties. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

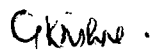
3. The post of Extra Departmental Branch Post Master (for short, EDEPM), Kalinjar, had fallen vacant due to the death of the person who occupied the said post. The charge of the said post was handed over to one Daulat Singh, by whom the charge of the said post was delivered to the applicant on 13.5.95. However, respondent No.4 has called for applications from various persons for appointment to the said post and such applications are being called for from only those persons whose names have been sponsored by the Employment Exchange, Alwar. The applicant contends that his candidature should also be considered alongwith persons whose names have been sponsored by the Employment Exchange. This contention holds good in view of the decision of Hon'ble the Supreme Court in the case of Excise Superintendent

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Malkapatnam v. K.B.N.Visweshwara Rao and others, reported in 1996 (7) Supreme 201, wherein Hon'ble the Supreme Court has held that even where a candidate is not sponsored by the Employment Exchange, his candidature can be considered. An interim direction for consideration of the applicant's candidature was issued by this Tribunal on 17.1.97. The learned counsel for the respondents has not filed any reply. Since a direction for consideration of the candidature of the applicant has already been given, we deem it proper to dispose of the present OA with a direction to the respondents to consider the candidature of the applicant on merits for the post of EDEPM alongwith candidates whose names have already been sponsored by the Employment Exchange. If the rules permit, the respondents shall take into account the service rendered by the applicant as EDEPM while considering his candidature on merits. If the applicant has not been dis-engaged already, he shall not be dis-engaged till appointment to the post of EDEPM is made on regular basis. The OA stands disposed of accordingly, at the stage of admission, with no order as to costs.


(O.P.SHARMA)

ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK