

Supreme Court of India

Employment Officer, Employment ... vs Abdul Nagar And Ors. on 29 January, 1998

Equivalent citations: AIR 1999 SC 1526, 1999 (81) FLR 37, JT 1998 (7) SC 614, (1998) 9 SCC 355

Bench: S V Manohar, K Venkataswami

ORDER

1. Leave granted.

2. Respondent 1 in his application before the Central Administrative Tribunal, Ernakulam Bench, challenged the selection process for appointment to the post of Extra Departmental Branch Postmaster, Mannarmala Post Office.

3. The Superintendent of Post Offices invited applications through the Employment Exchange for the post of Extra Departmental Branch Postmaster on 4-9-1991. The appellant-Employment Officer, Parinthalmanna, sent from the Live Register maintained by the Employment Exchange, in the order of registration date, the names of 9 candidates. The last candidate whose name was so sent had registered on 31-12-1986. The nine candidates were called for interview and Respondent 3 was selected for the post. Respondent 1 who had registered with the said Employment Exchange on 16-5-1988 challenged the selection on the ground that the cutoff date of 31-12-1986 which was applied by the Employment Exchange for forwarding the names of candidates was arbitrary and hence the entire selection process is vitiated. This contention has been upheld by the Central Administrative Tribunal and hence the present appeal has been filed.

4. The appellant had produced before the Central Administrative Tribunal the National Employment Service Manual. The Tribunal has recorded that the normal practice for the Employment Exchange is to call 15 to 18 candidates who satisfy the requirements of the post advertised for pre-submission interview. The vacancy position is notified through newspapers and radio broadcast. From these persons the Manual prescribes that 9 qualified candidates can be sponsored against each notified vacancy. The names are considered in the order of seniority of registration with the Employment Exchange. It was on the basis of this procedure that the names of 9 candidates who were eligible for the said post were forwarded by the Employment Exchange in the order of their seniority depending upon the date of registration. The last candidate whose name was so forwarded had registered on 31-12-1986. That is why the date 31-12-1986 is called the cutoff date.

5. We do not find anything arbitrary or illegal about this method of forwarding names of candidates for consideration in respect of a notified vacancy. In fact, it is a misnomer to call this date a cut-off date. For each vacancy the Employment Exchange is required to forward the names of the first 9 eligible candidates in the order of their date of registration with the Employment Exchange. The date of registration of the last candidate is treated as a cut-off date. In the present case, the first respondent was registered later than the 9 candidates whose names were forwarded. Hence his name was not forwarded. The Tribunal, therefore, was not right in setting aside the selection and appointment of Respondent 3.

6. The appeal is allowed and the impugned judgment and order of the Tribunal is set aside. The application of the first respondent before the Tribunal is dismissed.