

Central Administrative Tribunal, Principal Bench

Review Application No.140/99
(in OA No.1488/1998)

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New Delhi, this the 28th day of January, 2000

Hon'ble Mr.R.K.Ahooja, Member (Admnv)

Surender Pal Singh, s/o Sh. Jogeshwar
Singh, R/o-221/ Aliganj, Kotala (JS Verma
Marg), New Delhi-02

- Applicant

(By Advocate Shri U.Srivastava)

Versus

Union of India, through

1. The Secretary, Ministry of
Communication, Deptt.of Post, Dak
Bhawan, Sansad Marg, New Delhi.

2. The Asst Director General (Admin), Dak
Bhawan, Sansad Marg, New Delhi - Respondents

(By Advocate Shri V.S.R.Krishna)

O R D E R (Oral)

The applicant, on being sponsored by the Employment Exchange, was working as a Peon in the Postal Department. He had approached the Tribunal in the aforesaid OA on the ground that the candidates have been called for screening for some vacancies by the respondents leaving the applicant out of consideration. By way of an interim direction the respondents were asked to consider the applicant. Accordingly though the applicant was considered however, he was not finally selected. The O.A. was thereafter dismissed.

2. The applicant, who is the petitioner, has now come before the Tribunal and submits that there has been an error in the order dated 4.5.98 passed by the Tribunal since notice was not taken by the Tribunal of the fact that the applicant had a preferential claim for screening having already served the department on the basis of his earlier sponsorship from the Employment Exchange.

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3. I have heard the counsel. Shri U.Srivastava, 17
counsel for the petitioner points out that as per the merit list issued by the respondents, a copy of which is annexed to the petition, the applicant's name figures at serial no.7. He points out that there were 7 vacancies available and hence the applicant who was otherwise eligible was deserving of appointment. The respondents have, however, stated that out of the 7 vacancies three were reserved for OBC candidates. In addition two OBC candidates had made the grade on merit. Consequently, only one person from the unreserved category was appointed. Earlier one person had been appointed against the 7th vacancy on compassionate ground. In view of this position the respondents state that the applicant could have no cause for grievance and there was no error in the impugned order.

4. Having carefully considered the aforesaid submissions I agree with the respondents that no good ground has been adduced for reviewing the Tribunal's order. In all 58 candidates appeared for the test, of which 28 were absent and 38 actually took the test. Amongst them the applicant's name figured at serial no.7. Therefore, it cannot be said that the applicant had not been properly considered otherwise he would not have reached such a relatively higher position. The point raised by the learned counsel Shri Srivastava that preferential treatment must mean that the applicant if otherwise eligible should be appointed, cannot be accepted. When two persons perform equally then there arises a question of preferential treatment. The

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applicant was at no.7. The respondents have appointed persons at serial nos.1 to 3. In these circumstances there cannot be any question of preferential treatment.

5. The learned counsel also submitted that the respondents had not mentioned the number of posts and the ratio of reservation in their advertisement. I do not see how this would make any difference to the case of the applicant.

6. Finding no error in the impugned order, the RA is dismissed. No order as to costs.

R.K. Ahooja
(R.K. Ahooja)
Member (Admnv)

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