

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the day 28 May 1997.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A

Hon'ble Mr. T.L. Verma, Member-J

ORIGINAL APPLICATION NO. 318 OF 1996.

Tej Pratap Bhatia, S/o Shri Jwala Prasad,
R/o Village & P.O. Belwa Bazar,
Tahsil Deoria, District-Deoria.

..... Applicant.

(By Advocate Shri Rakesh Verma,)

Versus

1. Union of India through Secretary,
Ministry of Communication,
New Delhi.

2. The Senior Superintendent of Post Offices,
Deoria Division,
Deoria.

..... Respondents.

(By Advocate Km. Sadhana Srivastava)

ORDER (ORAL)

(By Hon'ble Mr. S. Das Gupta, Member-A)



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1. This application has been filed Under Section 19 of the Administrative Tribunals Act, 1985.

The applicant has challenged a notification dated 15.2.1996 by which the Employment Exchange Officer has been asked to sponsor the names of only Scheduled Caste candidates for the post of Extra Departmental Branch Post Master, Belwa (Rampur), Deoria. He has sought the relief quashing of the said notification and also a direction to the respondents to initiate fresh selection proceedings inviting the names of the candidates belonging to all communities.

2. The admitted position in this case is that one Radhey Shyam Yadav, who was holding the post of E.D.B.P.M., was dismissed from service, in his place the present applicant was selected and appointed provisionally. Subsequently an appeal of the said Radhey Shyam Yadav was considered and he was re-instated in service and thereupon the services of the applicant were terminated.

This termination was challenged in another O.A. no. 166 of 1993 but the said O.A. has since been dismissed. It appears that thereafter the same Radhey Shyam Yadav was put off duty by order dated 27.12.1995 and the respondents notified

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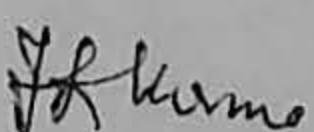
the vacancies to the Employment Exchange. But in the impugned notification it was stipulated that candidates only belonging to the only S.C community should be sponsored. This notification is under challenged before us.

3. We have heard the learned counsel for both the parties and perused the pleadings on record.

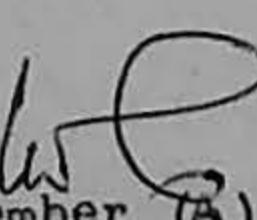
4. It appears from the instruction contained in the EDA's (Conduct and Service) Rules, 1964, that earlier there was a provision for giving a preference to the SC/ST candidates on E.D. posts. However, it appears that by the D.G. Post letter dated 12.3.1993, the preference is to be given to E.D. Posts other than E.D.B.P.M./E.D.S.P.M. It is, therefore, clear that at present not even preference is to be given to SC/ST candidates for the post of E.D.B.P.M, let alone reservation of such posts. The stipulation in the impugned notification is, therefore, not in accordance with the departmental instruction.

5. In view of the foregoing, the impugned notification is quashed. The respondents shall, however, be at liberty to issue fresh notification calling for suitable candidates irrespective of the community to which they belong and thereafter make a proper selection in accordance with law.

6. The O.A. stands allowed on the above terms. parties shall bear their own costs.


Member (J)

am/


Member (A)