

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.436 of 1996.

Allahabad this the 10th day of April 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

Sri Ram Singh
adopted son of Shri Jagdhani Singh
R/o Village Lilapur, Tahsil Ghazipur
District Ghazipur.

.....Applicant.

(By Advocates: Sri R.P.Srivastava/
Sri S.L. Kushwaha.

Versus.

1. Union of India
through Secretary
Ministry of Communication,
New Delhi.
2. Senior Superintendent of Post Office,
Ghazipur Ghazipur Division Ghazipur.
3. Sanjeevan Yadav
S/o Shri Shiva Lochan
R/o Village Lilapur, Post Office Lilapur,
District Ghazipur.

.....Respondents.

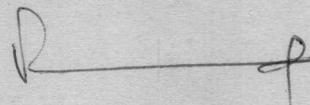
(By Advocate : Sri Amit Sthalekar)

O R D E R

BY HON'BLE MR.JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the appointment of respondent No.3 on the post of E.D.B.P.M. Extra Departmental Branch Post Master (In short E.D.B.P.M) of Sub Post Office Lilapur Tahsil, in District Ghazipur.

2. The facts of the case are that a requisition



was sent on 9-2-1996 by Superintendent of Post Office, Ghazipur to District Employment Exchange Ghazipur for ^{for appointment} forwarding the suitable names of the candidates as E. D. B. P. M Lilapur. In para 2 (Ja) of the notification, it was specifically mentioned that the candidates belonging to Scheduled Caste, Scheduled Tribes and other Backward Classes shall be given preference. The Employment Exchange forwarded five names including that of applicant and respondent No.3. The selection proceeding was completed and respondent No.3 was appointed. Aggrieved by this, the applicant approached this Tribunal. It is submitted that respondent No.3 belongs to O.B.C. category and though on merit he was lower to the applicant, ~~he~~ has been given preference and illegally appointed and claim of the applicant has been ignored. It is also submitted that in letter dated 09.02.1996 (Annexure 3) by which the applicant was required to submit the application, there was no mention about the fact that the preference shall be given to the reserved category candidate and in the circumstance the appointment of the respondent No.3 is illegal.

3. Sri A Sthalekar learned counsel for the respondents, on the other hand, submitted that in the notification, this fact ~~was~~ has already mentioned that the preference shall be given to candidates of reserved category. The name of the applicant was forwarded to the respondents in pursuance of the notification. In the circumstances the order does not suffer from any illegality. Learned counsel for the respondents has relied on the judgement of Full Bench of the Tribunal in the case of M. Satyaseela Reddy vs. Union of India and others, in which the Full Bench of Hyderabad Bench of this Tribunal, answered the question upholding the procedure of giving preference to ST, SC and OBC candidates in the matter of appointment.



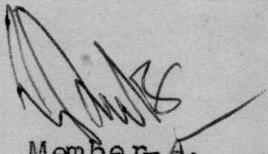
4. We have carefully considered the submissions made by learned counsel for the parties. It is true that in the letter addressed to the applicant for submitting papers, the facts ^{Wof} ~~were~~ not mentioned that the preference shall be given to the candidates of reserved category. However, simply on this ground selection of the respondent No.3 cannot be held illegal as this fact was mentioned clearly in the notification under which the name of the applicant was forwarded by Employment Exchange. The Full Bench in the case of M. Satyaseela Reddy (Supra) has already upheld such procedure. The conclusion of the Full Bench is being reproduced below:

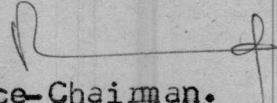
"The condition that preference will be given to ST/ SC/ OBC would mean that the candidates belonging to ST/ SC/ OBC even if placed below the names of OCs (i.e, other candidates, or candidates belonging to general category) in the merit list, would be entitled to appointment in preference to OCs, though all the candidates belonging to general category or ST/ SC/ OBC categories would be entitled to equal consideration for the purpose of selection. If the name of no candidate belonging to ST/ SC/ OBC finds place in the merit list, or no eligible ST/ SC/ OBC candidate is available for the post, then only OC candidate may be selected for appointment according to rules".

Such preference would also be given under Circular of D.G. post and D.G.P. & T dated 18.03.1978.

5. In view of the judgement of Full Bench, which is squarely applicable in the present case, we do not find any illegality in ^{an appointment of L3,4} ~~this order~~. The O.A. is accordingly dismissed.

6. There will be no order as to costs.


Member-A.


Vice-Chairman.

Manish/-