

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

ORIGINAL APPLICATION NO. 699 of 1996.
this the 17th April 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MR. S. BISWAS, MEMBER (A)

Awadhesh Kumar Singh, S/o Sri Indra Bahadur Singh, R/o
Village & post Khataura, Via Bara Gaon, District Varanasi.-
Applicant.

By Advocate : Sri R. Asthana for Sri R. Saxena.
Versus.

Union of India through Director Postal Services, Varanasi
Region, Varanasi.

2. Supdt. of Post Offices, Western Division,
Varanasi.

3. Smt. Sarla Devi, EDBPM, Post Office Khataura,
District Varanasi.

Respondents.

By Advocate : Sri Amit Sthalekar.

ORDER (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant-Awadhesh Kumar Singh was one of the candidates for selection to the post of Extra Departmental Branch Post Master (EDBPM in short), Khataura, District Varanasi. Since, the applicant could not be selected for the said post and one Smt. Sarla Devi (respondent no.3) was appointed on the aforesaid post, the applicant has approached this Tribunal for quashing of the appointment order of the respondent no.3.

2. The main grounds on which the selection of the respondent no.3 has been challenged is that the name of the respondent no.3 was been considered during the selection illegally because her name was neither registered with the Employment Exchange concerned, nor her name was sponsored by the Employment Exchange.

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

4. It appears that the post, in question, fell vacant on 12.4.1995 due to termination of services of Sri Kamala prasad Tewari on attaining the maximum age of 65 years. The Regional Employment Officer, Varanasi was requested by the respondents to sponsor the name of minimum three candidates and maximum five candidates upto 19.12.1994. According to the respondents, since the Regional Employment Officer, Varanasi, failed to sponsor names of candidates upto the stipulated date i.e. 19.12.94, a requisition was sent again on 26.12.94 to sponsor names of candidates upto 16.1.95. Besides, an advertisement dated 26.12.94 was also published on 25.1.95 inviting applications from suitable candidates. It appears that the Regional Employment Officer, Varanasi, sponsored three candidates including the name of the applicant on 14.2.95. The respondents have also received applications from other seven candidates on the basis of the open advertisement. The names of all the ten candidates were considered during the selection and Smt. Sarla Devi (respondent no.3) was found most suitable having highest merit and accordingly she was selected and appointed on the post, in question.

5. The learned counsel for the applicant has sought quashing of the appointment order of the respondent no.3 on the sole ground that since her name was not sponsored by the Employment Exchange, her appointment is against the rules. In support of his contention, he has relied upon on the decision of the apex court in the case of The Excise Supdt. Malkapatnam Krishna District A.P. Vs. K.B.N. Visweshwara Rao & ors. (JT 1996 (9) SC 638). The apex court has held as under :

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" ----In addition Dept. newspapers and display on notice boards and announce in Radio/TV and considered all candidates who apply - Directions of Tribunal not to be disturbed."

6. It is thus, clear that the apex court has directed that in addition to, the department should also call for names by publication in newspapers. In other words, incase names of those applicants, who applied on the basis of the open advertisement published in the daily newspapers cannot be said to be dis-qualified and in-eligible for consideration.

7. It may be stated that the applicant has not challenged the selection of the respondent no.3 on merit. We, therefore, do not find any illegality or irregularity in the selection process adopted by the respondents. The O.A. ~~is~~, therefore, lacks merit and is accordingly dismissed. No costs.

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MEMBER (A)
GIRISH/-

Danivedan
MEMBER (J)