

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of Dec.2001.

QUORUM : HON. MR. S. DAYAL, A.M.
HON. MR. RAFIQUDDIN, J.M.

O.A. NO.971 of 1996.

1. Smt. Anupam Kumari w/o Sri Ram Kailash Tiwari r/o Village
& Post - Gunai Gaharpur, District - Allahabad.

..... Applicant.

Counsel for applicant : Sri H.S. Srivastava.

Versus

1. The Union of India through the Director General, Department of Posts, New Delhi.
2. The Chief Post Master General, UP Circle, Lucknow.
3. The Post Master General, Allahabad.
4. The Senior Superintendent of Post Offices, Allahabad Division, Allahabad.... Respondents.

Counsel for respondents : Km. S. Srivastava.

ORDER (ORAL)

BY HON. MR. RAFIQUDDIN, J.M.

The applicant has filed this O.A. seeking quashing of the memo dated 2.9.96 issued by the Senior Superintendent of Post Offices, Allahabad (Respondent No.4). By the said letter, the Respondent No.4 has offered the appointment to the post of Extra Departmental Branch Post Master Gunai Gaharpur, Allahabad to one Smt. Mehrun Nisha. The applicant further seeks direction to respondents to consider the case of the applicant for the post in question whose names were sponsored in response to the offer given by respondent No.4 for the post in question.

2. The case of the applicant is that the respondent No.4 called for the names of suitable candidates for the appointment to the post of Extra Departmental Branch Post Master at Gunai Gaharpur and the employment exchange, Allahabad sponsored the names including the name of the applicant. Thereafter, the respondent No.4 vide letter dated 13.8.96

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asked the applicant to submit the application in the prescribed proforma, which was submitted by the applicant along with requisite certificates on 26.8.96. However, to the utter surprise of the applicant, the respondent No.4 vide impugned memo dated 2.9.96, offered appointment to Smt. Mehrun Nisha on the post in question. According to the applicant, the action of the respondent No.4 is against the rules and principles of fair play. It is also stated that the impugned order has been passed in violation of principles of natural justice and the appointment of Smt. Mehrun Nisha on compassionate grounds in relaxation of normal rules is arbitrary and beyond the jurisdiction of respondent No.4. It is also stated that Smt. Mehrun Nisha had earlier refused the offer of appointment as Extra Departmental Delivery Agent, Bharatganj where her husband was appointed. Therefore, her appointment in relaxation of normal rules has been made in utter disregard of the rules and the action of respondent No.4 is arbitrary. The respondents have contested the claim of the applicant. The case of the respondents is that Smt. Mehrun Nisha w/o Late Sri Israr Khan who was engaged temporary as E.D. Packer to Philatelic Bureau, Allahabad office on compassionate ground after the death of her husband also submitted application for her appointment on the post in question on 30.8.96. It is also pointed out that the name of Smt. Mehrun Nisha was approved by CMG, UP Circle, Lucknow vide memo dated 27.11.89 for the appointment of E.D. Packer. However, Smt. Mehrun Nisha was engaged as E.D. Packer against vacancy caused due to the regular incumbent on deputation of post of Allahabad Circle. Since Smt. Mehrun Nisha was not posted in E.D. Cadre but was engaged temporary as E.D. Packer, She was appointed on post in question under relaxation of normal rules on compassionate grounds and she has been working on the post in question since 12.9.96.

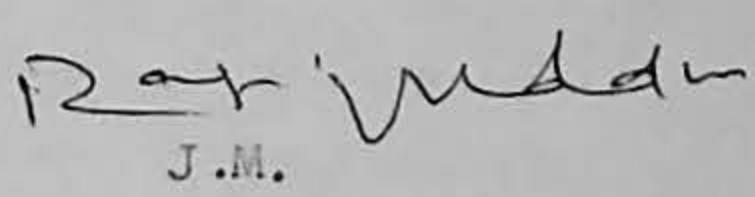
3. We have heard Sri H. S. Srivastava for applicant

and Km. Sa-dhana Srivastava for respondents.

4. It is an admitted position that after the name of the applicant was sponsored by the local employment exchange and after submission of his application on prescribed form, the name of all the applicants were not considered by the respondents for selection. In other words, the applicant was merely a candidate for the post in question. The respondents have stated that the post in question has been filled up by appointing one Smt. Mehrun Nisha on compassionate ground. By means of this O.A., the applicant has challenged the appointment letter of Smt. Mehrun Nisha.

5. The main question for consideration is whether the applicant has locus standie to challenge the appointment of Smt. Mehrun Nisha on the post in question. It is obvious in the present case that applicant was merely a candidate for the post in question and he did not participate in any selection process. The appointment of Smt. Mehrun Nisha was made before the process was started. In our considered opinion, the applicant has no vested right to the post in question being merely a candidate to the same. Therefore, the applicant cannot challenge the legality of the appointment of Smt. Mehrun Nisha who has even not been impled in the present case. The O.A., therefore, ~~lacks~~ ^{lacks} no merit and the same is dismissed.

There shall be no order as to costs.


J.M.


A.M.

Asthana/