

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 04th day of March, 2004.

Original Application No. 212 of 1998.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. S.C. Chaube, Member- A.

Bhagirathi Pandey, ~~R/o Vill. and Post-Karanpura~~ a/a 38 years, S/o Sri Dwarika Pandey R/o Vill. and Post- Karanpura (Khajni) Distt. Gorakhpur. Candidate for the post of EDBPM, Karanpura in the Distt. Gorakhpur.

.....Applicant

Counsel for the applicant :- Sri Avanish Tripathi

V E R S U S

1. Union of India through the Secretary, D.G, Department of Posts, M/o Communication, Dak Bhawan, New Delhi-110001.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. P.M.G, Gorakhpur Region, Gorakhpur.
4. Sr. Suptd of Post Offices, Gorakhpur Division, Gorakhpur.
5. Sri Ram Ashish Tripathi, S/o Sri Kali Prasad Tripathi, R/o Vill. and Post- Bharehia, Posted as EDBPM, Karanpura (Khajni) Distt. Gorakhpur.

.....Respondents

Counsel for the respondents :- Sri S. Chaturvedi

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The name of the applicant was sponsored by the Employment Exchange for appointment to the post of EDBPM, Karanpura (Khajni), Distt. Gorakhpur. Apart from the applicant, two other names were sponsored by the Employment

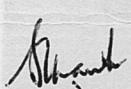
Per

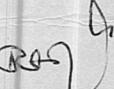
Exchange. Besides the name sponsored by the Employment Exchange one candidate namely Sri Ram Ashish Tripathi (Respondent no. 5) had directly applied pursuant to the said advertisement. The respondents instead of making selection from amongst the candidates sponsored by the Employment Exchange and those who had applied directly, gave officiating charge to Sri Ram Ashish Tripathi (Respondent no. 5). In the counter affidavit it is alleged that the candidates sponsored by the Employment Exchange belonged to one and the same family and with a view to secure employment to one of the three sponsored by the Employment Exchange the other two candidates namely Sri Santosh Kumar Pandey and Sri Sachidanand Pandey submitted their incomplete applications and, therefore, "the selection process could not be completed". Respondents have placed reliance on modified instructions 16-A issued pursuant to the decision in the matter of Excise Superintendent, Malkapatnam, Krishna District, Andhra Pradesh Vs. K.B.N. Visweswara Rao and others 1996 (6) Scale 670 in support of their contention that if the effective number of candidates responding is less than 3, the vacancies will be re-notified to the Employment Exchange and advertised calling for nominations etc., within 15 days and all the candidates offering their candidature will be considered in accordance with the instructions issued from time to time. The total number of candidates being 4, the respondents were bound to select one of the candidates fulfilling requisite qualification on the cut off date. Mere fact that the applications of two candidates were incomplete would be no ground to re-notify the vacancy on the ground that number of effective candidates was less than three.

2. In the circumstances, therefore, we dispose of the original application with a direction to the Senior Superintendent of Post Offices, Gorakhpur (Respondent no. 4)

to complete the selection from amongst the sponsored candidates and those who responded to the public advertisement and submitted their applications directly and appoint the suitable candidate on the basis of merit. It goes without saying that on appointment, the officiating arrangement will come automatically to an end.

3. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/