CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 32 OF 1998

Allahabad, this the 2nd day of August,1999.

CORAM : Hon'ble Mr.S.Dayal, Member(A)
Hon'ble Mr.S.K.Agrawal, Member(J)

Prabhakar Shukla,
S/o. Sri Ramakant Shukla,
R/o. Deora (Lokmanpura),
P.O. Deora, Karchhana,
District Allahabad.   ....Applicant

(By Shri R.P.Singh and Shri Shishir Kumar,Advocate)

Versus

1. Union of India through the
   Secretary Ministry of Communication,
   Department of Posts and Telegraphs,
   New Delhi.

2. Senior Superintendent of Post Offices,
   Allahabad

                              ....Respondents

(By Shri N.B.Singh, Advocate)

O R D E R (Reserved)
(By Hon'ble Mr.S.K.Agrawal, Member(J))

   In this original application the prayer of
the applicant is to direct the respondents to consider
the candidature of the applicant for the post of
E.D.B.P.M., Deora, Karchhana, Allahabad and not to
refuse to consider the candidature of the applicant
solely on the ground of non-sponsoring his name by
the Employment Exchange, Allahabad. Prayer for setting

                                        ...../2p

aside the instruction 13 or 14 issued by the D.G.
P&T letter No.45-22/71-SPB/1-SPB/1/Pen, dated 4-9-82
is also made.

2.   Facts of the case as stated by the applicant
are that respondent No.2 with a view to fill up the
vacancy for the post of E.D.B.P.M. sent a requisition
to the Employment Exchange, Allahabad to sponsor the
names of suitable candidates vide letter dated 6-11-97
but the applicant's name was not sponsored by the
Employment Exchange. Applicant submitted the
application on 15-12-97 direct to the respondent No.2.
The last date for filing the application was 28-12-97.
It is stated that respondent No.2 refused to consider
the name of the applicant on the ground that his name
was not sponsored by the Employment Exchange although
applicant fulfils the eligibility criteria and his
application was also in time, therefore, applicant
has submitted this original application for the relief
sought for.

3.   By an interim order dated 27-2-98 this Tribunal
ordered as follows :-

> "In the meamtime it is provided that in case
> the applicant is registered with the Employment
> Exchange and meets with the requirements for
> selection and also has made application directly
> to the respondents before the due date, the
> candidature of the applicant shall be considered
> provisionally. However, the result shall not
> be declared till 16-3-98."

4.   Counter was filed. It is stated in the counter

...../3p

that Employment Exchange, Allahabad was asked to
verify the fact of registration of the applicant
with the Employment Exchange vide letter dated 31-12-97
and reminder was also issued on 29-1-98, but the
reply is still awaited.

5.   Learned lawyer for applicant has filed
Misc.Application No. 2418/99 with the prayer to
dispose off the present O.A. in the light of directions
given in Rajiv Yadav and Sanjay Gupta's cases and
permit the respondents to declare the results including
that of the applicant.

6.   We have perused the order passed by this
Tribunal in O.A. 830/97 Rajiv Yadav Vs. U.O.I.& Ors.
decided on 26-5-98 and O.A.No.837/97 Sanjay Gupta Vs.
U.O.I. & Ors. decided on 16-4-99 and we are oft the
opinion that case of the applicant is also covered
by those orders.

7.   Learned lawyer for respondents has also
admitted during the course of arguements that application
filed by the applicant was within time and the candi-
dature of the applicant has been considered alongwith
others vide interim order of this Tribunal, but the
result has not been declared so far.
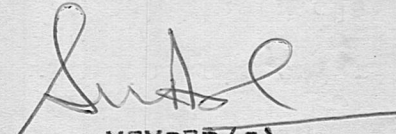
8.   Heard the learned lawyers for the parties
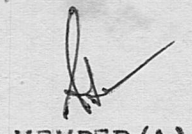and also perused the whole record.

9.   The respondents have already considered
the candidature of the applicant by the orders of this
Tribunal dated 27-2-98. We, therefore direct that
applicant is entitled to be considered for the post of
O.B.P.M. Deora, Karchhana, Allahabad in response to

the requisition alongwith others strictly in accordance with the rules and thereafter the result be declared by the respondents.

10.   With the above directions this original application is disposed off with no order as to costs.

MEMBER(J)   MEMBER(A)

/satya/