## CENTRAL ADMINISTRATIVE TRIBUNAL
### ALLAHABAD BENCH
### ALLAHABAD

**Original Application No. 446 of 1998**

Allahabad this the __19th__ day of __September__, 2002

**Hon'ble Maj Gen K.K. Srivastava, Member (A)**
**Hon'ble Mr.A.K. Bhatnagar, Member (J)**

Smt.Babita Kesarwani, aged about 27 years W/o Shri Subhash Chandra R/o Village & Post Barethi (Hanumanganj) P.O. Utraon, District Allahabad.

By Advocate Shri Rakesh Verma

### Versus

1. Union of India through the Secretary, Ministry of Communication(Department of Posts), New Delhi.

2. The Senior Superintendent of Post Offices, Allahabad Division, Allahabad.

3. Shri Ashok Kumar Gupta, S/o Shri Harish Chandra Gupta, R/o Village & Post, Barethi (Hanumanganj), P.S. Utraon, District Allahabad.

By Advocate Shri Amit Sthalekar

### O R D E R ( Oral )

By Hon'ble Maj Gen K.K. Srivastava, Member (A)

In this O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the selection and

....pg.2/-

appointment of respondent no.3 on the Post of

Extra Departmental Branch Post Master(for short

E.D.B.P.M.) Barethi, Hanumanganj, District Allahabad,

by order dated 16.03.1998. The applicant has prayed

that the order dated 16.03.1998 issued by the respon-

dent no.2 appointing respondent no.3, be quashed and

the applicant be appointed.

2.　　　　Shri Rakesh Verma, learned counsel for the

applicant has submitted that the notification for the

said  post was issued on 25.07.1997 addressing the

Employment Exchange to sponsor atleast 3 and maximum

5 candidates for the post which fell vacant on 31.8.97

due to superannuation of regular incumbent.  The applicant

applied for this post and her application reached the

office of respondent  no.2 on 09.09.97 well within the

date fixed for receipt of  the application . He invited

our attention to the notification dated 25.07.97(ann.A-3)

and argued that the last date for receipt of the names

of the candidates sponsored by the Employment Exchange,

was fixed as 23.08.97. This notification was widely

circulated and no date for submission of the application

by outsiders has been mentioned.  In the Original

Application in para-5(g) the applicant has mentioned

that the last date fixed for receipt of the application

from the candidates sponsored by the Employment Exchange

was 10.09.97 and , therefore, applicant's application

received within time, was bound to be considered,

which has not been done. Learned counsel for the

applicant has further submitted that the applicant

is most meritorious candidate and the respondents

have deliberately excluded her name from consideration.

...pg.3/-

on the pretext that her application was received
late so that they could appoint a person of their
own choice.

3.       Learned counsel for the respondents has
submitted that the contention of the applicant is not
correct.  The notification dated 25.07.97 is clear
that the last date for submission of the application
is 23.08.1997.  The contention of the applicant that
she could send her application even after this date
is misconceived.  The respondent no.2 has committed
no irregularity in not considering her candidature
because her application was received on 09.09.1997
much after the cut off date,which was 23.08.1997.

4.       We have considered the rival contentions
of learned counsel for the parties and perused the
record.  We have also carefully perused the noti-
fication dated 25.07.97.  We have no doubt in our
mind that the cut off date was fixed as 23.08.97.
The said notification no where mentions the cut off
date for outsiders was different.  Therefore , we
are of the view that the relief sought for, is not
sustainable.  The respondents have committed no
error of law by rejecting and not considering the
application of the  applicant.  We do not find any
good ground to intervene.

5.       In the facts and circumstances mentioned
above, we dismissed the O.A. being devoid of merits.
No costs.

|M.M.|   Member (J)                      Member (A)