

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 16th Day of February, 2000.

Coram: Hon'ble Mr. Bafiq Uddin, J.M.
Hon'ble Mr. S. Biswas, A.M.

Original Application No. 54 of 1998.

Sunil Chaturvedi aged about 27 years
son of Sri Lalta Prasad Chaturvedi.
resident of 70/54 Madhuri Mohal,
Kanpur.

. . . Applicant.

(Through Sri R.P. Singh, Adv.)

Versus

1. Union of India through the Secretary,
Communication, Government of India, New Delhi.
2. The Post Master General, Kanpur Region,
Kanpur.
3. The Senior Superintendent of R.M.S.
'KP' Division, Kanpur.
4. The Head Record Officer, R.M.S.,
'KP' Division, Kanpur.

. . . Respondents.

(Through Kumari Sadhna Srivastava, Adv.)

Order (Open Court)

By Hon'ble Mr. Rafiq Uddin, Member (J.)

The applicant has filed this O.A. for issuing
direction to the respondents to consider his name
along with the names of the candidates sponsored by
the Employment Exchange Kanpur for the post of
E.D.S.V./Mailman, R.M.S. Division Kanpur. The
applicant has further sought the quashing of the

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instructions 14 or 16 issued by the Director General Posts and Telegraph vide letter No. 45-22/71-SPB-1/Pen dated 4.9.82 contained in section 3 of E.D.A. Conduct and service Rules 1964.

2. The facts of the case are that three posts of E.D.S.V. were to be filled up and requisition was made by the respondent no.4 to the Regional Employment Exchange Kanpur for sponsoring the name of at least three candidates within thirty days i.e. ^{by} 15.10.97. The applicant submitted his application in the office of the respondent personally but the same was not accepted and consequently the applicant sent his application through registered post on 25.10.97 duly completed. However, on the enquiry the applicant was told that his name was not being considered because his name was not sponsored by the Employment Exchange Kanpur and the act of the respondent is illegal and against the provision of Art. 14 or 16 of the Constitution of India. It is claimed that the applicant fulfills all the requisite qualifications and conditions for the appointment for the post in question but his name is not being considered merely because his name has not been sponsored by the Employment Exchange.

3. We have heard the arguments of both the parties and considered the pleadings on record

4. The learned counsel for the respondents has stated before us on the basis of averments made in supplementary affidavit that the case of the applicant was duly considered along with other candidates whose names were sponsored by the Employment Exchange for the selection of the posts in question. However,

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in view of the interim order dated 5.2.98 in the present case, the result of the selection for appointment of nine posts has not been declared so far.

5. As regards the validity of the instruction contained in section 3 of E.D.A. Conduct and Service Rules 1964 it is not disputed before us that the same has since been amended and the relief calimed by the applicant in this O.A. for quashing the instructions has become infructuous. Similarly since the relief for considering the name of the applicant for appointment has been duly considered by the respondents, the present O.A. has become infructuous and the same is disposed of accordingly. The respondents are at liberty to declare the result of the examination.

S. B. Rao
Member (A.)

Rafiquddin
Member (J.)

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