

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 15th day of March 2002

Original Application no. 732 of 1998.

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

Smt. Reeta Singh, W/o Shri Rajni Kant Singh,
R/Φ Vill and Post Chaklal Chand,
Distt. Azamgarh.

... Applicant

By Adv : Sri I.R. Singh

V E R S U S

1. Pravar Adhikshak, Post Office,
Azamgarh Region, Azamgarh.
2. Union of India through its Secretary,
Postal and Telecommunication,
New Delhi.
3. Employment Officer, Employment Office,
Azamgarh.

... Respondents

By Adv : Sri K.P. Singh

O R D E R

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

By means of this O.A. filed under section 19 of A.T. Act, 1985, the applicant has challenged the order dated 3.7.1998 (Ann 1) by which the Senior Supdt. of Post Offices (in short SSPOs), Azamgarh addressed the Employment Exchange Officer, Azamgarh to sponsor the names of suitable candidates for appointment as Extra Departmental Branch Post Master (in short EDBPM), Chaklal Chand, Post Office, Azamgarh reserving the post ~~of~~ ^{for} OBC and has prayed that the same be quashed and direction be issued to the respondents

particularly respondent no. 1 to consider the candidature of the applicant for the said post.

2. The facts in short as per the applicant are that Smt. Reeta Singh, the applicant, is permanent resident of Chaklal Chand. The village Post Office, Chaklal Chand was functioning from her house since 22.2.1955 and earlier her Father-in-Law, Sri Parmanand Singh was holding the post of EDBPM, Chaklal Chand. After completing 65 years of age Sri Parmanand Singh retired and the post of EDBPM fell vacant. Respondent no. 1 called for the names ^{from} ~~from~~ the Employment Exchange, reserving the post for OBC and thereby debarring the applicant to apply for the same. Hence, this O.A. The respondents ^{have} ~~have~~ contested the case and filed counter affidavit.

3. Shri I.R. Singh, learned counsel for the applicant submitted that the action of respondent no. 1 is arbitrary & illegal because when there is a single post, the same cannot be reserved. Since the post in question was only one, no reservation could be applied. Besides, the Post Office is running from her house since 22.2.1955 and her Father-in-Law was working as EDBPM, the post for OBC on his retirement is something which is not understood. The action of respondent no. 1 is not transparent. Learned counsel for the applicant has also submitted that the respondent no. 1 failed to notify the post through news papers and thereby denying the opportunity to other eligible candidates for the said post. In ^{the support of the} ~~regard to~~ her arguments that one post cannot be reserved, learned counsel for the applicant has placed reliance on the decision of

Hon'ble Supreme Court in 1995 Suppl (1) SCC 157, Chatana Dilip Motghare Vs. Bhide Girls Education Society and 1994 (1) SCC (L&S) 78, Bhide Girls Education Society Vs. Education Officer Zila Parishad Nagpur & others. Learned counsel for the applicant ^{has} ~~has~~ finally submitted that the applicant is fully eligible to be appointed as she possesses all the eligible conditions for appointment on the said post.

4. Sri K.P. Singh, learned counsel for the respondents, while contesting the claim of the applicant submitted that the reservation policy in respect of Extra Departmental Employees is to be decided on division basis and, therefore, taking into over all view, the respondent no. 1 is justified in declaring the particular post reserved for SC/ST/OBC. Learned counsel for the respondents further submitted that the proper selection procedure has to be followed and any selection on this post would be done as per rules on the subject. The selection is made as per merits of the candidates whose name were sponsored by the Employment Exchange.

5. We have heard learned counsel for the parties and perused the records.

6. It appears on the perusal of the impugned letter dated 3.7.1998 addressed to Employment Exchange Officer, Azamgarh, that the post in question was declared as ^{reserved for} ~~an~~ OBC. In their counter affidavit, the respondents have failed to give any cogent reason as to why the post was reserved for OBC. Para 10 of the counter affidavit filed by the then, SSPs, Azamgarh, reads as under :-

"10. That it is stated that by careful reading of annexure-1, it is clear that the petitioner is not suffering any loss but preference has been given to the backward cast."

7. We are not satisfied with this plea because on one hand the post has been reserved for OBC and on the other hand the respondent maintains that the applicant would not suffer any loss. Obviously once the post is reserved, a candidate of other cast could not apply and, therefore, the applicant is bound to be adversely affected. The averment made in para-10 of the CA is incorrect and on this ground alone the impugned order dated 03.07.1998 (annexure- 1) is liable to be quashed.

8. In view of the aforesaid observations, O.A is allowed. The impugned letter dated 03.07.1998 (annexure-1 is quashed. Any selection made in pursuance to this notification is also quashed. The respondents are directed to take appropriate action in accordance with law. The respondents may advertise the post and make selection as per rules, in which the applicant's case will also be considered, if she applies for the said post.

9. There shall be no order as to costs.


Member- J.


Member- A.

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