

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 19th day of March, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. T- MARI, A.M.

O.A. No. 1363 of 1998

OA 944/98
1. Arun Kumar Singh, a/a 18 years S/O Shiv Bhoosan R/O
Nonari, Kanpur Dehat.
2. Smt. Arun Kumari, a/a 30 years W/O Sri Rakesh Singh R/O
Nonari, Kanpur Dehat.
3. Smt. Smita Bhadauria, a/a 20 years W/O Sri A.K. Singh
R/O Nonari, Kanpur Dehat.

.....Applicants.

Counsel for applicants : Sri R. Verma.

Versus

1. Union of India through the Secretary to the Ministry of
Communication (Post) at Dak Bhawan, New Delhi.
2. The Post Master General, Kanpur Region, Kanpur.
3. The Superintendent, Post Offices, Kanpur (M) Division,
Kanpur.....Respondents.

Counsel for respondents : Km. S. Srivastava.

A N D

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Kanpur.

(R.S.Y)

4. The Officer-in-Charge, Employment Exchange,
Kanpur..... Respondents
Counsel for the respondents : Km.S. Srivastava &
Shri K.P. Singh

O R D E R (ORAL)

HON'BLE MR. JUSTICE S.R. SINGH, VICE-CHAIRMAN

Heard Sri R. Verma, learned counsel for applicant,
Km. S. Srivastava, learned counsel for respondents and
perused the pleadings.

2. Post of E.D.B.P.M., Nonari, Kanpur Dehat fell
vacant due to promotion of the permanent incumbent to the
higher post-Postman/Village Postman. The vacancy was notified
to the Employment Exchange with a request to sponsor the
names of eligible candidates in requisite numbers. The
Employment Exchange sponsored six names, who were later on
called upon by the department to furnish their details.
Only three out of six candidates moved applications for
appointment ^{furnished} for the requisite information. The names of
the applicants were not sponsored. They, however, directly
applied for being considered and instituted O.A. No.944/98
in which the Tribunal by its order dated 7.9.98 directed
the respondents to consider the applicants on the basis of
the applications made by them provided that the applications
^{had} ^{been} received ^{by them} in time but restrained them to
declare the result till further orders of the Tribunal. It
appears that on enquiry it was found that the applications
of two out of three candidates, whose names had been sponso-
red and ^{we had} ^{we} applied for appointment, were found to be
bogus and, accordingly, the competent authority by its order
dated 10.9.98 (Annexure CA-1) directed that applications
for appointment be invited directly. This direction was
quite in consonance with the modified instructions issued
pursuant to D.G. Post No.19-4/97-ED & Trg. dated 19th Aug.

(P.S.)

1998 which provides that 'in case the notification and public advertisement so issued fail to elicit any response within the stipulated date or 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.' On the vacancy being advertised certain applications were received and the department considered the candidature of such applications together with the applicants ~~therein~~. Tabulation chart has been enclosed as CA-4 but the result ~~has~~ not been declared due to the interim order. Learned counsel for applicant, however, submitted that the respondents were duty bound to make the selection on the basis of names sponsored by the Employment Exchange on earlier occasions ~~in exclusion of~~ and the applicants who were directed to be considered by the Tribunal. The ~~argument~~ made by the counsel for the applicant cannot be countenanced ~~for reasons~~ as stated above. The applications of two out of three candidates sponsored by the Employment Exchange were found to be bogus and by order dated 10.9.98 applications were invited directly vide order of the Tribunal passed on 7.9.98 and received in the office ~~therefore~~ on 15.9.98. The applicant cannot raise any grievance.

3. Accordingly, the O.A. is disposed of with a direction to the respondents to declare the result of selection on the basis of Tabulation chart annexed as Annexure CA-4 and appoint the candidate, who is found suitable.

No order as to costs.