

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 1136 of 1998.

Allahabad this the 07th day of March, 2002.

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member- A.  
Hon'ble Mr. A.K. Bhatnagar, Member- J.

Gopal Ji Singh s/o Sri Mangal Singh  
R/o Vill. & Post Rampur (Chit),  
Distt. Ballia.

.....Applicant

Counsel for the applicant :- Sri A. Tripathi

V E R S U S

1. Union of India through the Secretary (Posts),  
Department of Posts, Govt. Of India,  
M/o Communication, Dak Bhawan,  
Sansad Marg, New Delhi.
2. Superintendent of Post Offices,  
Ballia Division, Ballia.
3. Sri K.P. Pandey, Superintendent of Post Offices,  
Ballia Division, Ballia.

.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

(By Hon'ble Mr. C.S. Chadha, Member- A.)

The post of E.D.B.P.M, Maritar, Distt. Ballia had fallen vacant as result of which the department requested the Employment Exchange to send 3 to 5 names. The names

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received from the Employment Exchange resulted only one person applying for the said post as a result of which an advertisement was issued in the press inviting applications on 05.05.1998. However, the department cancelled the applications received by this notification vide annexure A-1 dated 28.09.1998 and invited fresh applications vide a second notification dated 28.09.1998 (annexure A-2).

2. The applicant's grouse is that no reasons were specified for cancelling the earlier notification and not considering the applications received as a result of that notification. The learned counsel for the respondents has, however, stated that the department had made a serious mistake in the earlier notification by stating therein that the candidates belonging to SC/ST and other backward classes will be given preference. The departmental authorities had received instructions from the Director General (Posts), New Delhi that making such an averment in the notification is illegal and in view of several decisions of the Apex Court, it was not appropriate to give preference to any category. If, however, there were vacancies meant for any specific category, that fact should be mentioned in the notification. The department, therefore, correct the earlier mistake and issued a fresh notification. The contention of the respondents is, therefore, that there were no malafides in cancelling the earlier notification and neither did the cancellation amount to any discrimination against the applicant. However, if any selection had been made as a result of that notification, the same would have been challenged on the ground that the notification was illegal. Therefore, in good faith, they set aside the earlier notification and

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issued a fresh notification correcting the mistake. The applicant had an opportunity to apply again but he did not. On the contrary, the learned counsel for the applicant states that because he had challenged the cancellation of the notification, he did not apply after the issue of the second notification. The contention of the applicant is that selection should have been made from among only those 14 candidates who applied as a result of the fresh notification.

3. We have heard the learned counsel for the parties and we feel that the action of the department was in accordance with requirements of law. There was no intention to favour any applicant. The first notification, cancellation of which has been challenged was issued wrongly and, therefore, it was the duty of the respondents to correct it. Since the correction has been made in good faith, we cannot agree that the correction is illegal. The OA has no merit and is, therefore, rejected.

4. There will be no order as to costs.

*Anand*  
Member- J.

/Anand/

*Bawali*  
Member- A.