CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1357 of 1998

Allahabad this the 26th day of April, ~~May,~~ 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Virendra Kumar, aged about 27 years, Son of Sri Jai
Ram Village and Post Palhepur, District-Kanpur Nagar.

Applicant

By Advocates Shri Vijai Bahadur
Shri B.N. Singh

Versus

1. Union of India through Secretary, Ministry of
   Communication, New Delhi.

2. Senior Superintendent Post Office, Kanpur.

3. Sub Divisional Inspector of Post Office, Kanpur.

4. Employment Officer, Employment Exchange, Kanpur.

5. Dileep Kumar S/o Chandrapal Singh, R/o Village
   and Post Palehpur, Distt. Kanpur Nagar.

Respondents

By Advocate Shri S.C. Tripathi,
Shri A. Tripathi

O R D E R(Oral)

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

By this application the applicant has
sought the relief of being considered for the post
of Extra Departmental Branch Post Master, Palehpur,
Distt. Kanpur Nagar because he belongs to the S.C.....pg.2

community whereas the respondents were considering
an O.B.C. candidate on the ground that the Employment
Exchange did not forward any name of S.C. candidate.
Next relief claimed is that the respondents should
consider only the names of S.C. candidates for the
said post.

2.   The facts of the case are that the
respondents called for names of S.C. candidates
for the said post from the Employment Exchange.
The requisition mentioned that if no S.C. candidates
were available, they may sponsor O.B.C. candidates.
It is alleged by the applicant that despite his name
being registered in the Employment Exchange, his name
was not forwarded and only O.B.C. candidates were
forwarded for consideration. Further he has claimed
that he came to know about this mischief late & an
26.10.1998 vide annexure A-4 he wrote to the Senior
Superintendent of Post Offices, Kanpur that he is a
candidate belonging to S.C. community and possess all
the requisite qualifications and therefore his name
should be considered.

3.   In their counter-reply in para-21 thereof
the respondents have averred that there is no dispute
that the applicant applied for the post but the
application was on a plain paper without any accom-
panying certificate regarding his age , educational
qualification, and residence, caste and income sources,
which were all necessary, therefore, they did not
feel it necessary to consider the application.

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4.   Learned counsel for the applicant has
argued that since he is(the applicant) belongs to the
S.C. community it was the duty of the respondents
to invite him to file his application. We cannot
agree with this contention because his application
dated 26.10.1998 was not accompanied by any proof
of any of the required documents.If his application were
to be accompanied with the required certificates,
then certainly it was incumbent upon the respondents
to call him. Non-consideration of his claim is due
to his own fault. Therefore, we find no merit in the
case.

5.   Learned counsel for the applicant has,
however, pleaded that since the selection process has
not been completed, his application may be considered
for the said post. We would have no objection to
this provided in response to any notification for
the said post he made an application before the
appointed date with all certificates. If this is
not a case, he is not entitled to any reliefs. The
O.A. is, therefore, disposed of with the above
observations. No order as to costs.

                Member (J)   Member (A)

/M.M./

<u>O.A.No. 1357/98</u>

<u>26/04/02</u>

Hon.Mr.C.S. Chadha, A.M.
Hon.Mr.A.K. Bhatnagar, J.M.

S/Shri Vijai Bahadur and B.N. Singh for the applicant. Shri S.K. Pandey brief holder to Shri S.C. Tripathi ,c-ounsel for the official respondents. Shri M.K. Upadhyay brief holder to Shri A. Tripathi, counsel for the private respondents.

Arguments heard.

Order dicatated separately.

J.M.   A.M.

/m.m./