

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. TIWARI, A.M.

O.A. No. 1363 of 1998

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.

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.....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

O.A. No. 944 of 1998

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.....

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RDJ

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

ORDER (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 <sup>higher</sup> post-Postman/Village Postman. The vacancy was notified  
to the Employment Exchange with a request to sponsor the  
<sup>2</sup> 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 <sup>furnished</sup> for the requisite information. The name 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  
<sup>had</sup> <sup>been</sup> received <sup>by them</sup> 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 <sup>who had</sup> 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.

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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~~ submission made by the counsel for the applicant cannot be ~~contenaunced~~ ~~for reasons~~ 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.

*Nain*  
A.M.

*D.Y.J.*  
V.C.

Asthana/