

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 17th Day of August, 2000.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, A.M.

Original Application No. 1444 of 1998.

Prem Shankar Dubey,
son of Sri Ram Chandra Dubey,
resident of Village & Post Office Jharkata,
Distt. Gorakhpur.

. . . Applicant.

Counsel for the Applicant: Sri H.C. Singh, Adv.

Versus

1. Union of India through its Post Master General,
Post and Telegraph Office, New Delhi.
2. Senior Superintendent of Post and Telegraph Office,
Gorakhpur.
3. Regional Inspector Post & Telegraph Office,
Region Gorakhpur.
4. Post Master Branch Office Taryapar (Dailiha)
Gorakhpur.

. . . Respondents.

Counsel for the Respondents: Sri Satish Chaturvedi, Adv.

Order (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

We have heard the learned counsel for the applicant and Sri Satish Chaturvedi learned counsel for the respondents.

2. This application has been filed to quash the advertisement dated 16.11.1998 inviting



applications for appointment as Extra Departmental Runner (E.D.R.).

3. The grounds on which the aforesaid advertisement is assailed are that it has been reserved for S.C./S.T. Category. However, as it is a single post in the Post Office, the reservation policy could not be applied. Learned counsel for the applicant has placed reliance on the Constitution Bench Judgment of Hon'ble Supreme Court in case of Post Graduate Institute of Medical Education and Research Chandigarh Vs. Faculty Association and others reported in J.T. 1998(3)S.C. 223.

4. The learned counsel for the respondents on the other hand has submitted that the cadre of E.D.R. is not a single post cadre but in the Sub Division there are 120 posts. The policy of the reservation is being given effect taking all the posts available of this cadre in the Sub Division.

5. We have carefully considered the submissions of learned counsel for the parties. In our opinion the ratio of the judgment in Post Graduate Institute of Medical Education and Research, Chandigarh (Supra) can not be applied in the present case as the cadre of E.D.R. can not be said to be a single post cadre. The post does not become a single post cadre on the basis of advertisement but in such cases the entire posts available of the cadre in the division have to be taken into consideration for applying policy of reservation. In para 4 of the supplementary counter affidavit respondents have

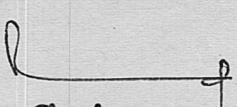


given the figures that as there are 120 posts of this cadre, the percentage of S.C./S.T. community should be 25 at the rate of 21%. As the representation was not to the extent of 21% it was thought necessary to reserve the post in question.

6. In the aforesaid facts and circumstances we do not find any illegality in the advertisement, the application has no merit and is accordingly dismissed.

There shall be no order as to costs.


Member (A.)


Vice Chairman

Nafees.