

(5) (AB)

Court No. 1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No. 1149 of ¹⁹⁸⁷~~1988~~

Smt. Rajpati Devi Applicant

Versus

Supdt. of Posts Basti and
Another Respondents.

Hon. Mr. K. J. Raman, A.M.

Hon. Mr. D. K. Agrawal, J.M.

(By Hon. Mr. K. J. Raman, A.M.)

Heard Shri B. K. Srivastava, the learned counsel for the applicant and Shri K. C. Sinha, the learned counsel for the respondents.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant Smt. Rajpati Devi has sought for quashing of the selection order of Shri Sant Ram, respondent No. 2 as E.D.B.P.M. of Rayath (Rudranagar) Branch Post Office and the appointment of herself in the post on compassionate grounds since she is the wife of the late Shesh Dutt Pandey who was holding that post till he died in harness on 10.5.85. The main grounds on which the applicant relies are that in accordance with the relevant rules regarding appointment of EDAs, she also had to be given consideration on compassionate basis since her husband died in harness. This is found to be correct and the rules do provide for giving such consideration for appointment. She also claims to have studied upto VIIIth standard and thus she has necessary educational qualification. She states that she has some property and she also has her permanent residence at Rayath.

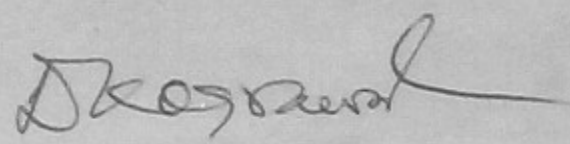
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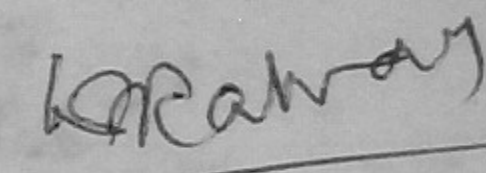
2. The respondents have contended that at the time she made application, she had not produced any evidence regarding her educational qualification. It is further contended that she did not claim the appointment under the specific orders for giving appointment to the dependents of the deceased EDAs. It is stated that after the applications were received through Employment Exchange, some investigation was made into the qualifications and suitability of the various candidates and it was reported that the applicant was not sufficiently literate and qualified, when compared to the qualifications and suitability of Shri Sant Ram. It is stated that on a comparative basis, it was found that Shri Sant Ram was more suitable and therefore he was appointed.

3. We have very carefully considered the various contentions of both the parties. This Tribunal will hardly be in a position to interfere in matters of selection in which the relevant comparative merits of the candidates are examined and considered, unless there is an allegation of malafides or arbitrary action on the part of the selectors. In this case, no such serious illegality has been alleged. What is alleged in this application is that the applicant has not been given due consideration as a dependent of the deceased Shesh Dutt Pandey. In the circumstances, we consider

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that even though the appointment of Shri Sant Ram cannot be disturbed, it would be proper and just for the respondents to consider, in a sympathetic manner, the appointment of the applicant in an appropriate post if and when ^{one} falls vacant and for which the applicant may qualify. The application is disposed of with the above directions. Parties shall bear their costs.


Member (J)


Member (A)

Dated the 23rd July, 1990.

RKM