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Court No. 1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No. 1149 of 1987 ✓

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
VIIth 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 ^{the} which the applicant may qualify. The application is disposed of with the above directions. Parties ^(on) shall bear their costs.

D.K. Garg

Member (J)

K.R. Kawatra

Member (A)

Dated the 23rd July, 1990.

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