

CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH ALIAHABAD.

Allahabad this the 27th day of February 1996.

Original Application No. 477 of 1988.

Hon'ble Dr. R.K. Saxena, JM
Hon'ble Mr. D.S. Baweja, AM

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Krishna Kumar Savita, aged
about 27 years, S/o Sri Bhagwan
Deen Srivastava, R/o 40/28 Nai
Chowk, Parade, Kanpur.

..... Applicant.

C/A Sri A.V. Srivastava

Versus

1. Union of India through Additional
Post Master General at Kanpur.
2. Chief Post Master Kanpur.
3. The Regional Employment Officer,
Employment Exchange Gutaiha,
Kanpur.
4. The State of U.P. through Secretary,
Ministry of Labour Lucknow.

..... Respondents

C/R Sri N.B. Singh

O R D E R

Hon'ble Mr. D.S. Baweja, JM

Prayer has been made through this O.A. to direct respondent
to consider the applicant's name for the selection of Extra
Departmental Employee treating his name sponsored by the
Employment Exchange.

2. A requisition dated 7.3.88 was sent by Chief Post Master
Kanpur (Respondent No. 2) to the local Employment Exchange
requesting to forward a list of 21 candidates for the post of
Extra Departmental Packer and Stamp Vendor etc. in the Head
Post Office Kanpur. The applicant was registered with Employ-
ment Exchange on 11.3.1983 with registration No. RE 442/83

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which was renewed on 1987^{and remained} valid upto 11.4.1990. Since the applicant met with the eligibility conditions prescribed, he applied for the same on 30.3.88 after knowing about the same from the Notice Board on 30.3.88. The respondent No. 3, Regional Employment Officer Kanpur sent a list of 33 candidates on 6.4.88 and second list on 7.4.88 containing one name.

On enquiry from the office of the respondent No. 3, the applicant came to know that his name was not sponsored inspite of being eligible and applying well in time. He made a representation dated 7.4.88 against the same. Not getting any reply to the representation, the applicant filed this application on 13.4.88 praying to direct the respondent No. 2 ~~to~~ not to proceed with the selection and also direct respondent No. 3 to sponsor his name to be considered for the selection on merits.

3. The main pleas of the applicant are :

- (i) He made application before the due date.
- (ii) He was eligible meeting with the requirements laid down.
- (iii) He was registered in 1983. The list of the candidates sent by the Employment Exchange at Annexure 3 will reveal that those who have been enrolled later have also ^{been} sponsored. The names were required to be sent as per seniority for registration.

with respect to enrolment

As a result the applicant is being illegally deprived of his rights. The action of the respondent No. 3 is therefore arbitrary, discriminatory, illegal and violative of principles of natural justice and Articles 14 and 16 of the Constitution of India.

4. The counter affidavit has been filed by respondent No. 2 but not by respondent No. 3. No rejoinder has been filed by the applicant inspite of repeated opportunities.

5. The respondent No. 2 in the counter have admitted of the selection detailed in the application. However it has been averred that list was received from the respondent No. 3 and

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applicant's name is not featuring in the same. No remarks can be offered as to whether the applicant applied and why his application has not been sponsored. The respondents have not denied the list of the candidates sponsored at A-3 of the applicant.

6. An interim stay was granted vide order dated 13.4.88 " In the meantime any selection is held the applicant may be allowed to participate but his result will not be declared." This interim stay was not however extended further vide order dated 14.7.88.

7. Heard the learned counsel for the applicant and the respondents. We have also examined the material placed on the records.

8. The respondent No. 2 has acted on the list of the candidates sponsored by the respondent No. 3. The facts of the case are to be explained by the respondent No. 3 but no counter by him has been filed. From the list of sponsored candidates it is noted that there are number of names recommended where the registration date is much later than that of the applicant. The applicant also claims that he fulfils ^{the} with requirements of the eligibility criteria laid down. The applicant has ^{also} filed his registration certificate of the Employment Exchange. In the absence of any counter from the respondent No. 3, we have no reasons to disbelieve. In these facts of the case, if the applicant had applied within the due date, his name should have been sponsored. The applicant avers that, he submitted application on 30.4.88. The applicant has not produced any documentary evidence of having submitted the application in time. Even the copy of the application submitted to Employment Exchange has not been placed on the record. In the absence of any such record, we are unable to see any merit in the application.

9. In view of the facts and circumstances brought out above,

there is no merit in the application and the same is dismissed.
No order as to costs.

Slump
Member - A

Sanjiv
Member - B

Arvind.