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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A.No. 14/92

A.B. Naik :::::: APPLICANT

Vs.

Union of India &
Others. :::::: RESPONDENTS

Hen.Mr. K. Obayya, A.M.
Hen. Mr. Maharaj Din, J.M.

(By Hen.Mr. K. Obayya, A.M.)

The applicant was appointed as E.D.D.A. for the Sub Post Office Kurkuru, on regular basis. The respondent No.5 sent a requisition to the Employment Exchange for forwarding the name of candidates for the said post. The employment exchange forwarded the names of 8 candidates including the applicant and the applicant was selected and appointment letter for the post of E.D.D.A. for the Sub Post Office Kurkuru dated 7/8/91 was issued to the applicant, and he took charge of the post on 8/8/91. But, subsequently the respondent No.4 cancelled the appointment of the applicant vide order dated 20/12/91, assigning the reason that a complaint for the post of E.D.D.A. for sub Post Office Kurkuru, was filed that the reservation quota fixed for SC/ST community was not completed. Feeling aggrieved by the cancellation of appointment order, the applicant approached this Tribunal praying that the order dated 20/12/91 passed by respondent No.4 be quashed and the respondents be directed to allow the applicant to continue in the said post. The applicant further states that he was not given an opportunity of hearing before the termination of his services, which is illegal, as no disciplinary proceedings were initiated against him.

2. The respondents have opposed the case and according to them the vacancy was reserved for S.C. and that it is

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an admitted fact that the appointment of the applicant was made on a vacancy which was reserved for S.C. community, and one Shri Ram Prakash, who was also one of the candidates of the said interview, made a complaint to the Senior Superintendent of Post Offices, Jhansi, against the appointment of the applicant against S.C. post. It was under these circumstances the services of Shri Awadh Bihari Naik, the applicant, was terminated, but the termination order could not be delivered on the applicant as he proceeded on leave w.e.f. 1/1/92 without prior approval. Subsequently the applicant obtained a stay order from this Tribunal on 10/1/92.

3. The facts are not in dispute. The only question is whether the vacancy which was reserved for S.C. community could have been filled up by a general candidate when S.C. candidates are available. The learned Counsel for the applicant contended that in the notification made for the post or in the requisition sent to the employment exchange there was no mention that the post is reserved for S.C. community and as such it is evident that the post was for general candidates. This fact is not disputed by the respondents also. As the applicant was regularly appointed and he was also working in the said post upto 10/1/92 and he is also continuing since then by operation of interim order passed by this Tribunal, he shall be allowed to continue in the said post and the order of termination is quashed. The respondents are directed to give a vacancy for the post reserved for S.C. by notifying the same. The application is disposed of finally with the above observations. No

order as to the costs.

[Signature]
Member (J)

[Signature]
Member (A)

Dated: 4 December, 1992, Allahabad.

(tgk)