

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 1796 of 1992

1. Jagdeesh Lal

2. Ram Sevak Lal Applicents

VERSUS

Union of India and others Respondents

Hon'ble Mr. Maharaj Din, Member(3)

Hon'ble Mr. V.K. Seth, Member (A)

(By Hon'ble Mr. V.K. Seth, A.M.)

In this Original Application under section 19 of the Administrative Tribunal Act, the applicants have claim for declaring the re-advertisement dated 30.1.1991 and 18.12.1992 for the post of Extra Departmental Branch Postmaster Mansoorabad, Allahabad issued by Senior Superintendent of Post Office Allahabad Division as null and void and for issue of direction to the respondents to finalise the selection in view of the advertisement of 27.7.1990. They have also prayed for appointment of one of applicants as E.D.B.P.M., Mansoorabad.

2. The facts of the case are that the post of Extra Departmental Branch Postmaster, Mansoorabad fell vacant in the year 1990 and a requisition was made to the employment exchange on 8.6.1990, but the said employment exchange could not sponsor the names of suitable candidates and therefore the respondent no. 3 who is senior of Superintendent/Post Office on 27.7.1990 through Gram Pradhan invited the applications from suitable candidates of the village Mansoorabad fixing the last date for the same as 16.8.1990. In response to the said advertisement, the applicants applied for the said post of E.D.B.P.M. and vide letter of 5.10.1990 they were required to produce original documents in regard to the qualifications etc. which they submitted to the respondent no. 3 on 11.10.1990. However, the respondents instead of making a selection re-advertised the same post on 30.1.1991 through Gram Pradhan. The applicant's representation to the respondent no. 3 for finalising the selection in response to

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of advertisement dated 27.7.1990 did not bear fruit and instead of respondent no. 3 who is senior Superintendent of Post Office further re-advertised the same post on 18.11.1992. The applicants have pressed their case inter-alia on the ground that there were more than three candidates who applied for the post in response to the advertisement dated 27.7.1990 and as such ~~call~~ ^{quorum} for minimum number of candidates completed and the respondents are duty bound to finalise from among those candidates.

3. The respondents have resisted the application, inter-alia on the grounds that (1) in response to the advertisement of 27.7.1990 only three candidates including the applicants applied for the said post and on being not satisfied ^{and} under the instructions of the government ~~of~~ a publicity was made on 30.1.1990 in response to which none applied. Consequently, one Sri Pramod Narayan Mishra E.O. Packer was given alternative appointment and when the said Sri Pramod Narayan Mishra was qualified as Postmaster and the post of E.O.B.P.M. fell vacant and advertisement was again made and this time 9 names were sponsored by the employment exchange, but the names of both the applicants were not sponsored by the employment exchange. The respondents have also asserted that ~~that~~ if the applicants had any grievance, they should have approached the departmental authorities instead of approaching this Hon'ble Tribunal.

4. We have gone through the records of the case and given careful consideration to the arguments of the learned counsels of the parties. In his support, the applicant has cited the order of this Hon'ble Tribunal in O.A. No. 89 of 1991 in the case of Shashi Kant Shukla Vs. Union of India. It is noticed that the present case is not identical or similar to the case cited by the applicants. In the case cited, the applicant was granted ~~an~~ interim stay as he was already working as E.O.B.P.M., whereas in the present case neither of the applicants was given appointment

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nor allowed to join as E.D.B.P.M. The applicants were issued certain letters by the Senior Superintendent of Posts Offices on 5.10.1990. The letter addressed to applicant no. 1 inter-alia stated that in case, he desired his appointment as E.B.P.M, he should tender resignation from the post of Gram Pradhan and furnish a copy of the same to this office. He was also asked to produce the original documents submitted by him. In the letter addressed to applicant no. 2, he was asked to produce copy of character certificate, proof of Income and original High School Certificate etc. From these letters, it is clear that the candidature of the applicants for the post of E.D.B.P.M. was under active consideration of the department. However, neither of these letters can be treated as an appointment letter conferring any right on the applicants. During the course of the argument, the learned counsel for the applicant also could not cite any rules, instructions or any case law making it obligatory on the part of the department to confine the selection to only three candidates whose applications had been received in response to second notice dated 27.7.1990. We see nothing wrong on the part of the department of posts in their action of fresh requisition to the employment exchange to enable them to make a selection of the best candidates from a choice larger field of. The applicants have not made out a case or even contended that they had a better claim for their names being forwarded by the employment exchange than the nine candidates whose names were actually forwarded by the employment exchange.

5. We, therefore, find no justification to intervene on behalf of the applicants and the application

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is accordingly dismissed. There will no no order as to costs.

WVS

Member(A)

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Member(J)

Allahabad Dated: 22-6-1993.

(RKA)