

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

* * *

Allahabad : Dated this 19th day of November, 1998

Original Application No. 45 of 1992

District : Varanasi

CRAAM :

Hon'ble Mr. S. Layal, A.M.

Hon'ble Mr. S.K. Agrawal, J.M.

Havildar Singh,
S/o Shri Ram Kishun Singh,
R/o Village & Post Bathawar,
Tah Sakaldeeha (Chandauli),
Distt Varanasi.

(By Sri Rakesh Verma, Advocate)

... Petitioner

Versus

1. Union of India through
Secretary, Ministry of Communication,
New Delhi.
2. The Senior Superintendent of
Post Offices, Eastern Region,
Varanasi.
3. Shri Chanurahas
S/o Shri Bechan Ram,
working as E.L.B.P.M.,
Post Office Bathawar,
Sakaldeeha Bazar, Varanasi.

(By Sri N.B. Singh, Advocate)

... Respondents

ORDER Overall

By Hon'ble Mr. S. Layal, A.M.

In this CA filed under Section 19 of the Administrative Tribunal Act, 1985, the applicant has sought the relief of setting aside an order No. A/36 dated 25-7-91 by which respondent no. 3 has been appointed as E.L.B.P.M. of Village & Post Bathawar (Sakaldeeha Bazar), Varanasi. The facts as mentioned in the application are that the post of E.L.B.P.M. Bathawar fell vacant when the incumbent was promoted as postman and the applicant was given charge of the post to work as E.L.B.P.M. by the order dated 4-8-1989 and to take over charge on 5-8-1989.

fs

In order to make a regular selection on the post, the respondents sent requisition to the Employment Exchange in which the qualification was 8th standard with preference given to Matriculation and vacancy was mentioned as reserved for SC & ST. The requisition sent by the Employment Exchange contained seven applicants whose particulars were obtained and a regular selection was made and the respondent no.3 was appointed as E. L. B. P. M. The applicant has challenged this appointment and contends that he should be appointed instead.

2. Arguments of Sri Rakesh Verma, counsel for the applicant and Sri Satish Mandhyan, proxy counsel for Sri NB Singh was heard.

3. The ground on which the appointment of respondent no.3 has been challenged by the applicant is that respondent no.3 should not have been appointed because he belongs to SC and the vacancy did not belong to the SC/ST candidate. As far as this ground is concerned, we have seen the original file relating to the selection of candidates for this post and it comes out that respondent no.3 had the highest marks in High School 282 out of 600 while the applicant received 233 out of 500. The respondent no.3 fulfilled all other qualifications and since he had the best educational record, he was appointed. Therefore, it cannot be said that he was appointed by virtue of his caste but was appointed on the basis of his merit and this ground of the applicant cannot be accepted.

4. Another ground raised by the applicant in his application is and which was presented by the learned counsel for the applicant is that the applicant

was over qualified as he has done B.Sc.(Agr.) while the qualifications required were only of 8th class and Matriculation. The comparative marks on the basis of which selection had been made are of High School. Selection of the respondent no.3 in preference to the applicant has been made in High Schools and weightage has been given for his having obtained the degree of B.Sc.(Agr.).

5. Yet another ground advanced by the applicant is that he was working for two years and, therefore, he should have been given preference over the respondent no.3 on the basis of past experience. Since the allegation of the applicant made in his OA that the respondents have shown undue favour to the respondent no.3 in selecting him is not borne out of the facts on record and the record shows that the candidate who was found the best, the respondents have selected. We cannot accept this contention of the applicant. He is not entitled to any preference on the basis of having worked on the post of E. & B. P.M. on substitute basis.

6. We therefore, find no merit in the application of the applicant and, therefore, the application is dismissed.

7. There shall be no order as to costs.

Member (J)

Member (A)

Dube/