

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH : ALLAHABAD

O.A.No 740 of 1992

Smt. Urmila Devi

...

Applicant

Versus

Union of India & others

...

Respondant-s

Hon'ble Mr K Obayya - A M

Hon'ble Mr A K Sinha - J M

(By Hon'ble Mr K Obayya - A M)

For the post of E D B P M Aira Buzurg, District Azamgarh, names of the suitable candidates were called for from the Employment Exchange. Three names of the candidates were received from the Employment Exchange. In response thereto the candidates were asked to furnish the information in Proforma, which the candidates did. The matter was referred to the Inspector Post Offices for enquiry of the certificates and facilities of accomodation and other conditions. The enquiry report was submitted by the Inspector of Post Offices to the effect that the applicant was not available in the village and that she was reported to be residing at Azamgarh with her sons and husband. The second candidate Sri Pravin Kumar Singh, whose correct name was Sri Praney Kumar Singh, was also not available in the village and the third candidate Sri Raj Narain Yadav has no independent source of income. As per the conditions, there should be minimum three candidates for consideration, but there remained only two candidates. Therefore, vacancies were

30

4

notified again on 5-5-1992 fixing 31 05 1992 as the last date of receipt of the names of the applicants. The applicant has challenged the notification on the ground that she was fully eligible and qualified in all respects and that the verification reveals that she was eligible, notwithstanding this the notification dated 15 05 1992, was issued. It is also stated that the applications can not be called for directly without going through any formality of registration in the Employment Exchange and that instead of the selection, the respondents adopted a short cut method of renotification of the vacancy. It is alleged that the applicant was asked to give some money for getting appointment and when the applicant did not respond, renotification calling for fresh applications was issued on 15 05 1992.

2- Learned counsel for the respondents contended that the procedure has correctly been followed as per the requirement of laws. He contended that there should be minimum three candidates to be considered for a vacancy and that is why the vacancy was renotified. He also made a reference to the report of the Inspector of the Post Offices that the applicant was not ^a local resident ~~and~~ and not having any property in her own name.

3- We have considered the rival contentions and

Handwritten marks:
A large '2' and a signature 'Lp' are visible at the bottom left of the page.

we have gone through the record of the case.

4- It is stated that three suitable names of the candidates, residents of village Aira Buzurg were received from the Employment Exchange and there was also an enquiry with regard to the particulars furnished by the applicant. ^{These} ~~These~~ particulars were considered and, thereafter, the vacancies have been renotified. As there has been no final selection and no appointment order was issued, the applicant can not claim the post as a matter of right.

5- In these circumstances, we direct that the respondents to follow the provisions laid down in the Rules and consider ~~bases of~~ candidates who have responded to the notification. The respondents are further directed to consider the candidature of the applicant also and make selection on the basis of the merits of all candidates including the applicant. Till such time final selection and appointment of suitable candidates is made, if the applicant is working on the post on the basis of interim order, she may be allowed to continue on the post. We make no observation of selection to be made in accordance with rules as that ^{will} ~~we~~ have to take into consideration the inter-se-merit of the candidates.

6- The application is disposed off accordingly with the above directions. No order as to the cost.

Ashwani Singh
MEMBER (J)

Shri Singh
MEMBER (A)

DATED: 26th April, 1993
(1s)