

Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH, ALLAHABAD.

Dated This The 23<sup>rd</sup>, February, 1999.

ORIGINAL APPLICATION NO: 1207 of 1995.

CORAM: Hon'ble Mr. S.K.Agrawal, J.M.,  
Hon'ble Mr. G.Ramakrishnan, A.M.

Jawahar Lal Singh son of  
Sri Raja Singh resident of village  
and post Chilua tahsil Hata,  
district Padrauna(Deoria). .. petitioner.  
(C/A Sri Rakesh Verma, Advocate).

Versus :

1.Union of India - through  
Secretary, Ministry of Communication,  
New Delhi.

2.Sub-Divisional Inspector of Post  
Offices, West SubDivision,  
Deoria - 274 001.

3.Shri Munib Yadav son of Shri Vishwa  
Nath Yadav resident of village and  
post Chilua, district: Padrauna(Deoria)  
working as Extra-Departmental Runner,  
Chilua Post office, District: Padrauna.

(O/R Shri/Km. S.Srivastava, Advocate).

.. Respondents.

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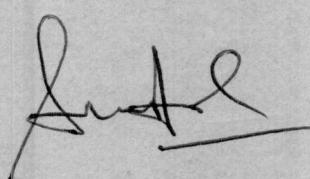
Order.( By : Hon'ble Mr. S. K. Agrawal, J.M. )

In this Original Application, Applicant makes a prayer to quash the order of appointment dated 11.10.95 in favour of Respondent No3, appointing as Extra-Departmental Runner (E.D.R) and to hold a fresh selection for the post.

The case of the applicant is that while making appointment of Respondent No3, Respondent No2, did not consider the candidature of the applicant whereas, the applicant was more suitable than the respondent No3. It is stated that the applicant has secured 59.6% marks in High School and is a permanent resident of village Chilua having an independent source of income. It is further stated that the applicant was earlier appointed on the post vide appointment letter dated 4.2.1994 but the same was cancelled by the senior Superintendent of post offices, Deoria Division, Deoria vide letters dated 6-4-94 and 19-1-1995 and in pursuance of that letter the services of the applicant were terminated under Rule 6 of the E.D.A (Conduct & Service Rules), 1964 vide letter dated 20.1.1995.

The applicant challenged the aforesaid termination order dated 20.1.1995 before this Tribunal in O.A. No 81/95 and the same was decided on 7.6.1995 but inspite of this judgement, the candidature of the Applicant was not considered for the post. It is therefore, requested by this O.A. to quash the order of Appointment dated 11.10.1995.

Separate counters were filed by the respondent No2, and respondent No3. It is stated in the counter affidavit



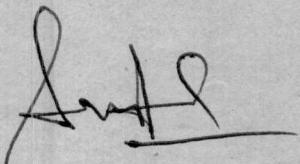
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of the respondent No2, that the name of the applicant was not sponsored by the Employment Exchange, therefore, his candidature was not considered vide judgement dated 7.6.1995. No direction was issued by the Appointing Authority to consider the candidature of the applicant. Even his name is not sponsored by the Employment Exchange, therefore, this Petition is devoid of merits and is liable to be dismissed.

Respondent No3, also filed counter. It is stated in the counter that in the process of selection he was found to be the most suitable and, therefore, he was given Appointment. It is further stated that the applicant was not a candidate in the field of selection as his name was not sponsored by the Employment Exchange. There was no order of Tribunal to consider the applicant even if proceedings initiated through the requisition dated 23.1.1995 and by the judgement dated 7.6.1995 upholding the services of the petitioner and the respondents were bound to consider the process of selection initiated through the requisition. Applicant shall be considered a fresh in case his name is sponsored through the Employment Exchange.

Rejoinder was also filed reiterating the facts stated in the Original Application.

Heard the learned lawyer for the Applicant and the learned Lawyer for the respondents and perused the whole record.

  
It is submitted by the learned lawyer for the applicant that as per judgement of the Tribunal, the Candidature of the applicant should have been considered even if his name was not sponsored through the Employment Exchange. Applicant has also filed an application dated 26.4.1995 in pursuance of the letter dated 23.1.1995, but his candidature was not considered.

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On the other hand, the learned lawyer for the respondent has submitted that there is no direction from the Tribunal vide the Judgement dated 7.6.1995 to consider the candidature of the applicant even if his name was not sponsored by the Employment Exchange.

On the perusal of the whole record, it appears that the respondent No3, was selected/ appointed as he was found to be the most suitable out of the candidates sponsored by the Employment Exchange. The conditions laid down for the Recruitment of Extra-Departmental Agents (E.D.A) is given in Rule 14(2) and is very much clear therefrom that the candidates sponsored by the Employment Exchange will be selected and the selection procedure is provided for them as stated in O.A.No: 81/95. The Applicant has challenged his termination Under Rule 6 against the order of the respondent No2 dated 20.1.1995. This tribunal in O.A.No: 81 of 1995 (decided on 7.6.1995) has passed the following order:-

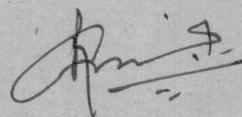
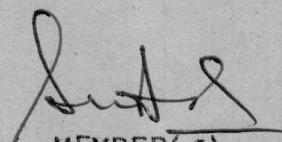
\* .... In the present case being satisfied that the principles of natural justice have been complied with and the order for holding a fresh process of selection would also give the applicant an opportunity to have his candidature considered alongwith other candidates and thus the substantial justice will be done, we are not inclined to interfere with the orders. We find that the interim order was passed on 3.2.1995 restraining the selection of a candidate in pursuance of a letter dated 23.1.1995 and the said interim order has continued. We provide that the applicant will be allowed to continue the process of selection initiated through the requisit-

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-ion dated 23.1.1995 A-12 shall be completed and if the applicant is selected, he will be allowed to continue on the basis of the said selection. In any other event, the respondents will be at liberty to issue an order of appointment to the selected candidate. The applicant will be entitled to the salary and allowances while he continued in service. The parties to bear their own costs."

This judgement does not make it clear that the Applicant will be considered even if his name was not sponsored by the Employment Exchange, therefore, we are of the considered view that the applicant has no case for interference by this Tribunal and he is not entitled to the relief sought for.

We, therefore, dismiss this Original application with no orders as to the cost.

  
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MEMBER (A).  
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MEMBER (J).

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