

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1219/1995

FRIDAY, THIS THE 13TH DAY OF DECEMBER, 2002

HON'BLE MR. GOVINDAN S. TAMPI .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Kamla Shanker Tiwari,  
S/o Jagdish Tiwari,  
R/o Village Karnauli P.O. Dan,  
District Jaunpur. ... Applicant

(By Advocate Shri Ganga Prasad)

Versus

1. Union of India through  
its Secretary,  
Post and Telegraph,  
New Delhi.
2. Superintendent Post Offices,  
Jaunpur Division, Jaunpur.
3. Ram Kishun,  
S/o Raggu,  
Village and P.O. Dan,  
District Jaunpur. ... Respondents

(By Advocate Shri R.C. Joshi - Absent)

ORDER

Hon'ble Mr. Govindan S. Tampi, Member (A) :

Appointment of Branch Post Master at Dan,  
District Jaunpur, is the matter of challenge in this O.A.

2. Heard Shri D.V. Yadav, proxy counsel for the  
applicant. None was present for the respondents even  
during the second call. O.A. is therefore being disposed  
of in terms of Rule, 16 of the C.A.T. (Procedure) Rules.

3. The applicant, who is a private tutor in Village  
Dan, District Jaunpur, was one of the five candidates  
proposed by the Employment Exchange for filling up the

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post of Branch Post Master. He had passed his High School in 1977 in II Division. He has thus, fulfilled the requisite conditions for being selected, but learnt that one Ram Kishun, who is less qualified has been preferred for the job. The said individual had passed the High School examination in III Division, but has been given the job only on account of favouritism shown by the respondents. The wife of Respondent No.3 was Village Pradhan, whose work was also being attended by Respondent No.3. He also did not have the requisite immovable property which is required for the job of Branch Post Master as security. The applicant has come to learn that Respondent No.3 has been preferred as he was an SC candidate, but, there was no specific indication that the post was meant for SC. Even otherwise, when there is only a single post, in terms of the orders of the Apex Court, the question of reservation does not arise. Shri Yadav, who represented the applicant during the oral submissions, specifically referred to the Apex Court's decision in P G I of Medical Education & Research Vs. Faculty Association & Ors. disposed of by a seven member Bench of the Hon'ble Supreme Court wherein it has been clearly mentioned that where there are only single posts, the question of reservation does not arise. In this case, on the basis of some direction of the D.G. Posts, the vacancy has been filled by an SC candidate at his prejudice and cost. This was illegal and should be rectified by appointing the applicant, is what he says.


4. The respondents, on the other hand, pointed out that the aspect of reservation was not a subject matter,

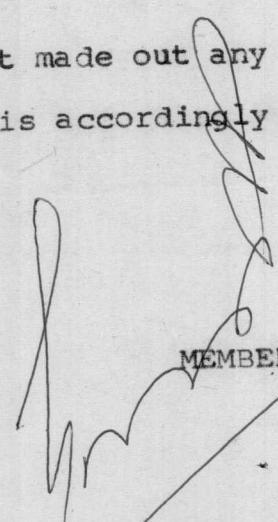


but, in the given circumstances, in terms of D.G. Posts order, an SC candidate was preferred for being posted and the same cannot be considered as illegal. They have referred to D.G. P & T's letter No.43:14/72.Pan. dated 2.3.1972, under which, wherever possible, first preference should be given to SC/ST candidates apart from P&T and other Government Pensioners for appointment as ED Agents. Their action was therefore, justified plead the respondents.

5. We have carefully considered the matter and we are convinced that the respondents have acted correctly. It is not a case of appointment to posts where reservation applies and therefore the quota or ratio for general candidages/SC/ST does not apply. As far back as 1972, D.G., P & T has directed that as far as possible, the post of Extra Departmental Branch Post Master should be given to SC/ST candidates and to pensioners from the department when a candidate of SC category fulfilling the requirements was available. When the vacancy at Dan arose, Superintendent of Post Offices has preferred him. This cannot be considered as any harsh, improper or incorrect measure. The applicant's allegation that favouritism or nepotism had played its role has no basis and cannot be endorsed.

6. The applicant has not made out any case for our interference. O.A. fails and is accordingly dismissed. No costs.

  
MEMBER (J)

  
MEMBER (A)

  
psp.