

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 13th day of February 2002

Original Application no. 250 of 1999.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Nagendra Mishra, S/o Sri R.B. Mishra,
R/o Vill Chakiya Balpur, Post Office,
Sarai Paltu, Tehsil Lalganj, Azamgarh.

... Applicant

By Adv : Sri R. Verma

V E R S U S

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. The Sub Divisional Inspector of Post Offices, Lalganj Division, Lalganj, Azamgarh.

... Respondents

By Adv : Km Sadhana Srivastava

O R D E R

Hon'ble Maj Gen K.K. Srivastava, Member (A).

By this OA filed under section 19 of the A.T. Act, 1985, the applicant has challenged the selection to be made on the basis of requisition dated 16.2.1999 addressed to Employment Exchange and others for the Post of Extra Departmental Runner (in short EDR) Sarai Paltu (Ghambhirpur) Azamgarh.

// 2 //

2. Sri R. Verma, learned counsel for the applicant invited our attention to the letter of Sub Divisional Inspector (in short SDI), Lalganj, Azamgarh dated 16.2.1999, through which SDI has invited applications for the appointment to the post of EDR, Sarai Paltu. In para 3 of the said letter (Ann A-1) six conditions have been specified. Condition no. 3A lays down that the applicant should be minimum High School/Equivalent examination pass and the condition no. 3 C lays down that the applicant should have independent source of income either through Agricultural land or through other sources. Learned counsel for the applicant has assailed these two conditions and has submitted that for the post of EDR, these conditions are not mandatory. The qualification for the post of EDR is minimum class 8th and applicants have to give a declaration that he has other source of income as required under rules. This position has been clarified by Director General (Post) vide his memo dated 26.5.1996. Learned counsel for the applicant further submitted that the SDI, in letter dated 16.2.1999 declared the post reserved for SC/ST. Since in view of the direction of Govt. of India passed on 27.11.1997, the post can be reserved for SC/ST and he withdraws this objection which he raised in the OA and does not press for the relief because the applicant belongs to OC.

3. We would certainly like to observe here that such actions on the part of subordinate officers is illegal and arbitrary. An S.D.I. has no authority to change or modify the eligibility conditions for recruitment. It will be in the fitness of things if the controlling officer of the SDI, Lalganj takes a suitable notice of this lapse on the part of SDI and takes necessary action as deemed fit. He will

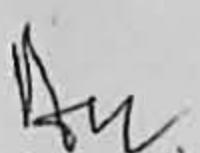
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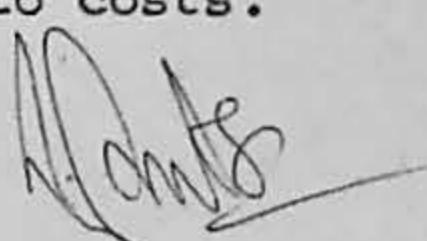
also ensure that recurrence of such omissions are avoided.

4. In view of the facts and circumstances the OA is dismissed as not pressed because the post in question is reserved for SC/ST category and the applicant belongs to OC category.

5. A copy of this order be sent to P.M.G. Gorakhpur.

6. There shall be no order as to costs.


Member (J)


Member (A)

/pc/