

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.384 OF 1999

Allahabad, this the 02nd day of September, 1999.

Coram : Hon'ble Mr.S.Dayal, Member (A)  
Hon'ble Mr.Rafiq Uddin, Member (J)

Kamlesh Kumar Patel,  
S/o. Sri V.P.Patel,  
R/o. Village Samhan (Tikuri), Post Samhan,  
Tehsil Meja, Distt.Allahabad.

.....Applicant.

(By Shri H.S.Srivastava, Advocate)

Versus

1. Union of India, through the  
Director General, Department of Posts,  
New Delhi.
2. The Post Master General,  
Allahabad Region, Allahabad.
3. The Senior Superintendent of Post  
Offices, Allahabad Division, Allahabad.
4. The Sub-Divisional Inspector,  
Post Offices, Meja Sub Division,  
Meja, Distt.Allahabad.

.....Respondents

(By Shri M.B.Singh, Advocate)

O R D E R (Open Court)

(By Hon'ble Mr.S.Dayal, Member (A) )

This application has been filed for seeking relief of quashing of notification dated 10-3-99 and issue direction to the respondents to re-notify the vacancy according to the rules, and the cost of the application has also been claimed.

2. It is the claim of the applicant that notification <sup>was</sup> issued by the respondents on 10-3-99 inviting

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applications for appointment on vacant post of EDDA/EDMC. It was mentioned in the notification that the post was reserved for General category candidate. It has also been mentioned in the eligibility conditions that the candidate should have his own source of income. The applicant has objection to both. He objects to appointment on source of income as an eligibility condition on the ground that this is not mentioned in the rules for recruitment of ED staff other than EDBPM/EDSPM.

3. We heard the arguments of Sri H.S.Srivastava for the applicant, none appeared for the respondents. However, the Counter Affidavit is on record. We have perused the C.A.

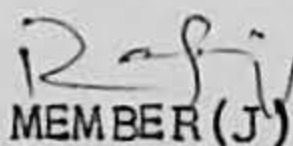
4. The respondents have admitted that advertisement issued on 10-3-99 was not in order because it incorrectly mentioned that the post was reserved for a candidate belonging to General Caste. The respondents are now issued the notification mentioning that the post is for General category and that there is no question of reservation for the said post for General Caste candidate. Learned counsel for applicant expresses apprehension that this would exclude the candidates belonging to SC/ST and other Backward classes. The respondents themselves have mentioned in the Counter Reply that there was no question of reservation of the post for General Caste candidate and that it would be made clear in the notification. For further clarity of the applicant it is mentioned here that the General Caste would include candidates from the entire population and not from any particular category. It would also include persons

belonging to the castes for which reservation exists and the selection would have to be of the best person available from amongst the applicants on the basis of eligibility requirements.

5. The objection taken by the applicant regarding eligibility requirements of applicant's own source of income is ~~also~~ valid. The Swamy's Compilation of Service Rules for ED Staff Vol.VIIth Edition of 1995 shows on page - 67/68 that income and ownership of property is prescribed for EDSPM/EDBPM only for ED Agents of all categories including ED Delivery Agents, security of Rs.2000/- or as determined by the authorities is the only requirement, and this has to be given by the selected candidate so it does not become an eligibility criteria. The respondents in issuing their fresh notification may keep this in mind.

With these, the original application stands disposed of.

6. No order as to costs.

  
MEMBER (J)

  
MEMBER (A)

/satya/