

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Original Application No. 122 of 1999

Allahabad, this the ^{4th} day of ^{Jan 2005} ~~December, 2004~~

Hon'ble M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Smt. Urmila Roy wife of Sri
Ramendra Nath Rai, resident
Of village and post Meja,
Allahabad

Applicant

(By Advocate – Shri R.P. Singh

Versus

1. Union of India through the
Secretary, Ministry of
Communications, Dak Bhawan,
New Delhi.

2. Senior Superintendent of Post Offices,
Allahabad.

Respondents

(By Advocate – Shri D.S. Shukla.

ORDER

By M.P. Singh, Vice Chairman –

By filing this OA, the applicant has sought the following main reliefs :-

- (i) to issue an order, rule or direction quashing and setting
- (ii) aside the impugned order dated 14/15.12.1998 Annexure A-1 passed by the respondent no.2
- (iii) to issue an order, rule or direction directing the respondents to make the selection from the candidates who have applied for the post of EDBPM Nibaiya Meja, Allahabad in pursuance of the Notification 15.4.1998.

2. The brief facts of the case are that a post of Extra Departmental Branch Post Master (for short 'EDBPM') fell vacant in Sub Post Office, Nibaiya, Allahabad. The respondent no.2 had sent a

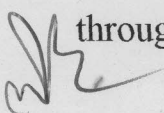
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requisition to the Employment Exchange, Allahabad for sending the names of at least three suitable candidates vide letter dated 15.4.1998. The Employment Exchange sponsored the names of five candidates including the name of the applicant. Subsequent to the receipt of the list of candidates from the Employment Exchange, the respondent no.2 sent a letter dated 18.5.1998 to the applicant asking him to submit her application with relevant documents and certificates on or before 6.6.1998. Thereafter, the respondents have passed the impugned order canceling the notification vide order dated 14/15.12.1998 which is wholly illegal, arbitrary and malafide. Hence this OA.

3. The respondents in their reply have stated that in terms of the Department of Posts letter dated 21.8.1997 circulated vide letter dated 27.11.1997 (Annexure-CA-1), the respondents were required to fix roster for reservation of 50% posts vacant for the year 1998 for SC/ST/OBC Physically handicapped persons. The said quota was not completed and the post was advertised inadvertently without fixing the quota. Therefore, the impugned notification was issued by the respondents. As such the present O.A. is without any merit and is liable to be dismissed.

4. Heard the learned counsel and perused the pleadings carefully.

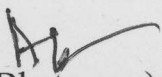
5. During the course of arguments, the learned counsel for the applicant has stated that the present case is fully covered by the order dated 2.2.2001 passed by the Hon'ble High Court of Judicature at Allahabad in Civil Misc.Writ Petition No.38187/1999 (Birendra Kumar Shukla Vs. UOI & ors). The said order was challenged before the Hon'ble Supreme Court in S.LP.No.18751/2001 (Union of India and others Vs. Birendra Kumar Shukla) and vide order dated 16.9.2002 their lordships have dismissed the SLP. We have gone through the aforesaid order of the Hon'ble High Court in which the

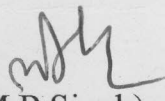


same notification dated 15.12.1998, (which has been challenged in the present OA) issued by the Senior Superintendent of Post Offices, Allahabad was under challenge and the Hon'ble High Court in that writ petition has passed the following order:

"In view of the aforesaid discussion this writ petition succeeds and is allowed. The judgment and orders of the CAT Allahabad dated 12.2.99 and 9.8.99 (Annexures-4 and 5 to the writ petition) are quashed. The impugned order dated 15.12.1998 passed by the respondent no.3 (Annexure-2 to the writ petition) re-advertising the post is also quashed and the order directing second selection process, dated 22.2.1999 (Annexure-3) is also quashed. Let a writ in the nature of mandamus issue calling upon the respondents to forthwith complete the initial selection process in which the petitioner had appeared, in accordance with law forthwith".

6. We have carefully gone through the aforesaid orders passed by the Hon'ble Supreme Court and Allahabad High Court. We find that the order dated 15.12.1998 which has been challenged in the present OA has already been quashed by the afore-mentioned order by the Hon'ble High Court of Allahabad, and the said order of the Hon'ble High Court has been upheld by the Hon'ble Supreme Court. In this view of the matter, the respondents are directed to complete the initial selection process, if ^{already} ~~already~~ not completed, in which the applicant had appeared, in accordance with law forthwith. The OA is accordingly disposed of. No costs.


(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
Vice Chairman