

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1474 of 1999

This the 15th day of March, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)
HON'BLE MR. S.C. CHAUBE, MEMBER (A)

Lachhi Ram Son of Sikhari Ram,
Resident of Village-Baheri(Sariya),
Post Office-Baheri, District-Ghazipur.

-----Applicant.

By Advocate :- Shri B.S.Yadav

V E R S U S

1. The Union of India through Post Master General, Allahabad.
2. The Superintendent of Post Office (Dak Adhikshak), Ghazipur.
3. Arun Kumar Gupta son of Balkishun Gupta, Resident of Village Baheri (Rampur) Post Office-Baheri, District-Ghazipur.

-----Respondents.

By Advocate : Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mrs. Meera Chhibber, JM

By this O.A. applicant has sought the following



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relief(s) :-

" (i) The Tribunal may kindly be pleased to quash the impugned advertisement dated 23.7.1999(Annexure 1 to compilation No. 1) issued by respondent no.2 and quash the appointment of Arun Kumar Gupta dated 1.10.1999 on the basis of advertisement dated 23.07.1999.

(ii) The Tribunal may kindly be pleased to direct the respondents to appoint the applicant in service as Branch Post Master, Baheri (Rampur), District Ghazipur with all its consequential benefits. "

2. It is submitted by the applicant that post of Branch Post Master of Branch Office- Baheri(Rampur), District Ghazipur fell vacant. Therefore, the said post was advertised on 23.7.1999. Since applicant is a Scheduled Caste and Ex-Militaryman, he applied for the said post and even though applicant fulfilled all the terms and conditions, Respondent No.2 appointed Shri Arun Kumar Gupta, who was not even a Scheduled Caste candidate, ignoring the applicant. Therefore, he gave a representation to the Chief Post Master General, Lucknow but no reply has been given thereon(Annexure-6). Therefore, he had no other option but to file the present O.A.

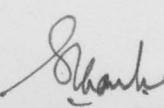
3. Respondents have opposed this O.A. by submitting that this post was not reserved for S.C.candidates or for Ex-Serviceman. Since it was a general post, after observing the usual formalities Shri Arunkumar Gupta was found to be the best candidate amongst all the five candidates including the ^{accordingly} applicant, he was appointed as E.D.B.P.M., Baheri.

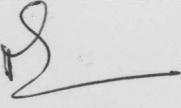
4. We have heard the counsel for the respondents and perused the pleadings as well. Since none appeared for the applicant, we are deciding this case by attracting Rule 15(i) of C.A.T.(Procedure) Rule, 1987.

5. A perusal of notification dated 27.03.1999 shows that this post was not reserved either for S.C. candidates or for Ex-serviceman. It only said that preference would be given to SC/ST candidates provided they fulfill all other conditions.

6. In these circumstances the question of giving preference would arise only if he was at par with other candidate in all other spheres. Respondents have categorically stated that Shri A.K.Gupta was the most meritorious candidate as per his High School marks, which means that applicant was not at par with Shri A.K.Gupta as far as his educational merit was concerned. Therefore, the question of giving him preference over Shri A.K.Gupta would not arise. Since neither the post was reserved for S.C. candidates nor for ex-serviceman, The applicant cannot claim to be appointed on the said post as a matter of right when he was less meritorious than the other candidate because the main factor to be seen ~~for~~ selecting such candidates, is educational qualification and merit thereof. Since Shri A.K.Gupta is said to be more meritorious,

7. We find no merit in the O.A. and The same is accordingly dismissed with no order as to costs.


Member A


Member J

Brijesh/-