

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 401 of 2000
this the 9 day of February 2001.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MR. M.P. SINGH, ADMN. MEMBER.

Awadhesh Bhadur Singh, S/o Sri Bans Narayan Singh,
resident of Village & Post Kopwan(Chilkahar), District
Ballia.

... Applicant.

By Advocate : Sri S.K. Om.

Versus.

Union of India through Post Master General, Gorakhpur.

2. Superintendent of Post Offices, Ballia
Division, Ballia.

... Respondents.

By Advocate : Sri Amit Sthalekar & Sri A.N. Shukla.

ORDER (ORAL)

JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

By this O.A., under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has
challenged the letter dated 27.7.1999 of the respondent
no.2 by which he requisitioned names from the Employment
Exchange for appointment to the post of EDBPM, Kopwan
Chilkahar, District Ballia.

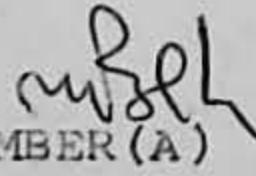
2. The grievance is against clause (8) of the
impugned letter, which reads as under :

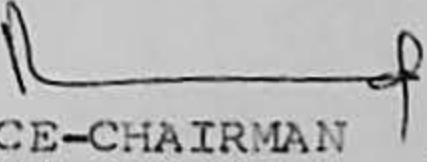
"चयन की न्यूनतम शर्त पूर्ण रखने वाला अनुसूचित जाति
के अधिकारी को पद पर चयन के लिए वरीयता दी
जाएगी।"

3. The learned counsel for the applicant has submitted that either the post can be reserved for a candidate belonging to reserved category, or it can be kept open for all, but preference cannot be given to a Scheduled Caste candidate, if the post is open for all.

4. The respondents were granted sufficient opportunity of eight weeks by stop order dated 26.5.2000, but the counter affidavit has not been filed. Sri A.N. Shukla, learned counsel appearing for the respondents could not point-out any provision or the order of the Government permitting such mode for selecting a reserved category candidates against a post open for general category. The preference, thus, contemplated in clause (8) of the impugned letter dated 27.7.1999 is illegal and cannot be sustained. It is also not justified in view of the Govt.'s order dated 27.11.1997, by which policy of reservation has been applied to all the categories of services of Extra Departmental Services.

5. For the reasons stated above, the O.A. is allowed. Clause (8) of the impugned letter dated 27.7.1999 (Annexure-1 to the O.A.) is quashed. The respondents may now proceed with the selection of the candidates in accordance with law. No order as to costs.


MEMBER (A)


VICE-CHAIRMAN

ALLAHABAD: DATED: 9.2.2001.
GIRISH/