

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

**Original Application No. 77 of 2000**

**Wednesday**, this the **27<sup>th</sup>** day of **August** 2008

**Hon'ble Mr. Justice A.K. Yog, Member (J)**

**Hon'ble Mr. K.S. Menon, Member (A)**

Amar Nath Verma, aged about 45 years, S/o Shri Vishwanath Verma,  
R/o Mohalla-Buddhapura Par, Post-Sikandarpur, District-Ballia.

**Applicant**

**By Advocate:** Sri Rakesh Verma

Vs.

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. The Superintendent of Post Offices, Ballia Division, Ballia.
3. Shri Brajesh Kumar, S/o Shri Savaroo, R/o Village & Post-Jajauli, District-Ballia.

**Respondents**

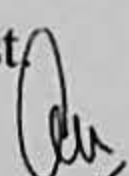
**By Advocates:** Sri Amit Sthalekar

Sri Jagan Nath Singh (for respondent No. 3)

**ORDER**

**Delivered by Justice A.K. Yog, Member (J)**

Amar Nath Verma/applicant has filed above noted Original Application No. 77 of 2000, under Section 19 of the Administrative Tribunals Act, 1985, with the prayer for issuing writ/order or direction in the nature of certiorari to quash impugned recruitment notification dated 26.07.1999 issued by the respondent No. 2 (annexure A-I to the O.A.) and consequently quash the impugned appointment order in favour of respondent No. 3 dated 04.01.2000/Annexure A-2 to the O.A. apart from issuing a writ/order or direction in the nature of mandamus commanding the respondent No. 2 to initiate fresh selection on the post of Extra Departmental Branch Post Master, Sisotar (Sikandarpur), District Ballia and appoint the petitioner in case he is found suitable in the merit list.

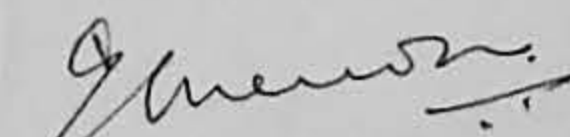


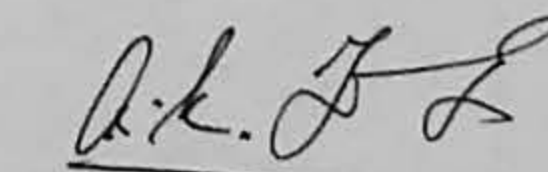
2. Sri Rakesh Verma, Advocate appearing on behalf of the applicant points out that condition No. 8, in the impugned notification dated 26.07.1999, prescribes that a candidate belonging to reserved category of Scheduled Caste, if one satisfies all the conditions/qualifications, should be given preference over other candidates. The respondent No. 3 was admittedly selected, appointed and he had taken over the charge. We have no doubt in our mind that now the time respondent No. 3 has now been confirmed. Learned counsel for the applicant does not dispute that there has been no interim order in favour of the applicant. We would have entered into the merit of aforesaid arguments but for the reason on the admitted facts, adjudication in the facts of instant case, as made on behalf of the applicant, will remain a matter of academic interest.

3. On behalf of applicant, it is admitted that applicant does not stand at serial No. 1 as compared to other candidates. In other words, the applicant will not be selected and appointed even after appointment letter of respondent No. 3 is set aside.

4. In view of the above admitted facts that applicant will not get appointment automatically even if this O.A. is allowed. Consequently we find that matter has been rendered stale. O.A. is accordingly dismissed. However, respondents shall consider case of the applicant is any opportunity arises in future in accordance with rules with due preference, if any available, <sup>AM</sup> ~~to~~ <sup>AM</sup> ~~the~~ Applicant. <sup>AM</sup>

5. There shall be no order as to costs.

  
Member (A)

  
Member (J)