

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of November 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 1336 of 2002

Umesh Tewari S/O Shri Madan Mohan Tiwari Village & Post Basauri,
District Chandauli.....

..... Applicant.

Counsel for applicant : Sri Shishir Tewari.

Versus

1. Union of India through Secretary Post & Telegraph, New Delhi.
2. Pravar Adhishak Dak Ghar Purva Mandal, Varanasi, Nati Imli,
Varanasi.
3. Post Master General, Allahabad Region, Allahabad.

.....

..... Respondents.

Counsel for respondents : Sri G.R. Gupta.

ORDER

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside selection proceeding in pursuance of advertisement No. A/59 Niyukti/2002 dated 23.9.02. The applicant is aggrieved by the advertisement impugned in the O.A. on the ground that it amounts to 100% reservation while the law is that reservation should not exceed 50%.

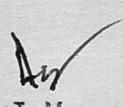
2. We have heard Sri S. Tewari for applicant and Sri G. R. Gupta for respondents.

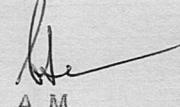
3. We find from advertisement dated 23.9.02 (Annexure 1) that copies of the advertisement were endorsed to Extra Departmental Deputy Post Master, Village Bisauri, Post Master Chandauli, Senior Post Master, Varanasi and some other official and also to Gram Pradhan, Bisauri, Head Master of Primary School, Bisauri and Block Development Officer, Chandauli inviting applications from eligible persons belonging to Scheduled Caste for the post of Extra Departmental Deputy Post Master, Bisauri.



4. We have considered the ground placed before us by the counsel for applicant. The ground is not tenable because there are a number of posts of Extra Departmental Deputy Post Master/ Branch Post Master within the jurisdiction of Senior Superintendent of Post Offices, Varanasi. Confining the ambit of selection only to village although the post does exists in that village would not be consistent with the fact that number of posts of Extra Departmental Branch Post Master/Deputy Post Master exists in the jurisdiction of Senior Superintendent of Post Offices and the roaste r point of reservation has been applied to such posts. Counsel for applicant has placed before us the judgment of a Division Bench of Allahabad High Court in Bimla Yadav Vs. State of UP & others (2002) 2 UP LBEC 1521 in which it has been held that the advertisement was quashed in the said case because the post of Professor in Department of Botany in Meerut University was one and that post could not be reserved and had to be treated as a post for general category. Since University is an independent unit, the ratio of this case would not be applicable to the case of Extra Departmental Branch Post Master/Deputy Post Master. The O.A. is, therefore, dismissed in limine.

There shall be no order as to costs.


J.M.


A.M.

Asthana/