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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 31st day of July, 2003.

Original Application No. 833 of 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr. D.R. Tewari, Member-A.

Girija Shankar Rai S/o Ram Deo Rai
 R/o Salempur, Post Office- Bansdeeh Road,
 Distt. Ballia.

.....Applicant

Counsel for the applicant :- Sri K. Kant
 Sri M.K. Pandey

V E R S U S

1. Union of India through the Secretary,
 M/o Communication, D/o Post,
 Government of India, New Delhi.
2. Superintendent of Post Offices,
 Ballia Division, Ballia.
3. Director, Postal Services, Gorakhpur.
4. Post Master General, Gorakhpur Region,
 Gorakhpur.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R (Oral)

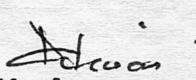
By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the notification dated 27.01.2003 (Annexure-1) by which applications have been invited for appointment of Gramin Dak Sevak Shakha Post Master (G.D.S.S.P.M), Salempur, Bansdeeh Road, Distt. Ballia. The grievance of the applicant ^{against} is that the para 8 of the notification which provides that the post is reserved for O.B.C candidates.

2. Sri K. Kant, learned counsel for the applicant has submitted that the respondent No. 3 could not reserve this post as it had fallen vacant on account of retirement of the GDSSPM of general category. It is submitted that as the vacancy ^{was} caused on account of retirement of general candidate, it should have been left open for the general candidate.

3. We do not find any force in this submission. Such a procedure as suggested by the counsel for the applicant could be adopted only in case the representation of all categories was complete but in case the representation of all categories was not completed, the future recruitment shall be according to the policy of reservation even if the post ~~fall~~ vacant on account of retirement of general candidate and it ~~shall~~ could be filled up by other backward category. This view has already been taken by the Hon'ble Supreme Court in R.K. Sabbarwal's case. In the present case, there is no averment that representation in respect of reserved categories has been completed. Thus the submission of counsel for the applicant cannot be accepted. We do not find any illegality in the impugned notification. The O.A has no merit and is accordingly dismissed.

4. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/