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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 09.08.2000

O.A. No. 262/1996

Thakur Singh son of Shri Gurubachan Singh aged about 32 years resident of Chuck 6 T K via Muklawa District Sriganganagar - 335039, at present employed on the post of Branch Postmaster 6 T K Via Muklawa, District Sriganganagar.

... Applicant.

v e r s u s

1. Union of India through the Secretary to Government of India, Ministry of Communication (Deptt. of Posts), Dak Bhawan, New Delhi.
2. The Superintendent of Post Offices, Sriganganagar Division, Sriganganagar.
3. S.D.I. (P) Raisinghnagar, Rajasthan.
4. Shri Uda Ram son of Shri Ishwar Ram, Village & P.O. Chuck 6 T K Via Muklawa - 335 039, Distt. Sriganganagar (Raj.).

... Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents Nos. 1 to 3.

None is present for the respondent No. 4.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(Per Hon'ble Mr. A.K. Misra)

The applicant had filed this CA with the prayer that the impugned order dated 17.11.95 (Annexure A/1) passed by the respondent No. 2 selecting for and appointing the respondent No. 4 on the post of EDBPM at Chuck No. 6 T K and the charge report dated 15.1.96 (annexure A/2) be declared illegal and be quashed. The applicant has further prayed that the respondents Nos. 1, 2 and 3 be directed to consider the candidature of the applicant for the post of EDBPM according to the merit position

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of the applicant as per rules.

2. Notice of the O.A. was given to the respondents. The official respondents and the private respondent filed their separate reply. It is contended by the official respondents that the respondent No. 4 was selected and appointed as he was a Scheduled Caste candidate. As per instructions for recruitment, a candidate of Scheduled Caste comes under preferential category for such appointment. Therefore, the appointment of the respondent No. 4 is in accordance with the instructions of the Government of India. The O.A. of the applicant is devoid of any merit and deserves to be dismissed.

3. The private respondent has also stated in his reply that he is a Scheduled Caste candidate being 'Nayak' by caste and, therefore, comes under preferential category for appointment on the post of EDBPM. As per the instructions and the policy of Government of India, the applicant is not entitled to any relief.

4. We have heard the learned counsel for the parties and have gone through the case file.

5. From the O.A., it appears that while the applicant was working on the post of EDBPM at Post Office Chuck 6 T K on provisional basis due to resignation of one Shri Ratanpal Singh, the department issued a notification for filling in the post of EDBPM, Post Office Chuck 6 T K. The applicant applied in pursuance of the notification and was fully satisfying all the conditions necessary for such appointment. However, ignoring the better qualifications of the applicant, the department appointed respondent No. 4 on the post of EDBPM on which the applicant was working. The respondent No. 4 took over the charge from the applicant in compliance of the appointment order issued in his favour.

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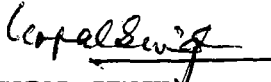
6. From the foregoing facts, in our opinion, the applicant has no case. In this connection, para 3 of the D.G.P&T letter No. 43-246/77-Pen, dated 8.3.1978, which is quoted hereunder, would set at rest the controversy raised by the applicant:-

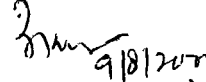
"It is hereby clarified that candidates belonging to Scheduled Castes/Scheduled Tribes with the minimum educational qualifications prescribed in this office letter No. 5-9/72-ED Cell, dated the 18th August, 1973, viz. VIII standard for ED BPMs, VI standard for ED DAs and ED SVs and working knowledge of the regional language and simple arithmetic for other EDAs (and working knowledge of English for ED Messengers) should be given preference over the candidates belonging to other communities, even if the latter are educationally better qualified, provided that the candidates belonging to Scheduled Castes/Scheduled Tribes are otherwise eligible for the post."



There is no averment on the part of the applicant that the respondent No. 4 is not fulfilling essential eligibility conditions. In view of this, the case of the applicant has no merits and deserves to be dismissed.

7. The O.A. is, therefore, dismissed. Parties are left to bear their own costs.


(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

cvr.

144/m
8/10/72

R/Copy
on B/B
22/11/72

Part II and IM destroyed
in my presence on 8.11.72
under the supervision of
section officer (1) as per
order dated 10.11.72

MAGN
Section officer (Record)