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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of Order : 25.1.2002.

Original Application No. 101/2001

Narendra Singh Kanawat S/o Shri Nand Singh aged about 24 years, Resident of Nimbhera Kalan, Tehsil Banera, District Bhilwara 311803, Official Address presently serving as EDBPM, Nimbhera Kalan.

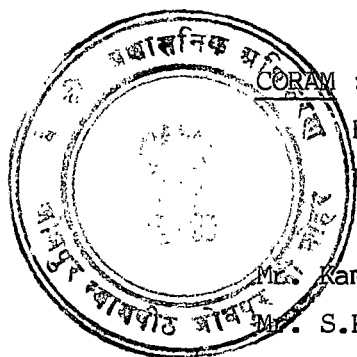
.....Applicant.

VERSUS

1. The Union of India through the Secretary, Ministry of Post and Telegraphs, Dak Bhawan, New Delhi.
2. The Superintendent of Post Office, Bhilwara Division, Bhilwara 311001.
3. Inspector Post Office, Shahpura, District Bhilwara.

.....Respondents.

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Hon'ble Mr. Justice O.P.Garg, Vice Chairman
Hon'ble Mr. A.P. Nagrath, Administrative Member

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Mr. Kamal Dave, counsel for the applicant.
Mr. S.K.Vyas, Counsel for the respondents.

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ORDER

PER MR. JUSTICE O.P.GARG :

Heard Shri Kamal Dave as well as Shri S.K.Vyas, learned counsel for the respondents.

2. The applicant is presently working on provisional basis on the post of Extra Departmental Branch Post Master (for short 'EDBPM') in the Nimbahera Kalan and a selection test is to be conducted for recruitment of OBCs for the post of EDBPM. By means of this O.A. under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that he may

be permitted to compete with other candidates to appear in the selection test for the post of EDBPM. The applicant belongs to general category. According to him, the posts have been advertised for OBC candidates only. The case of the applicant is that the OBC candidates are manning the posts far in excess the prescribed percentage and, therefore, selection test should have been thrown open to candidates of general category and he, as a general candidate, is entitled to appear in the test. A reply has been filed on behalf of the respondents.

3. During the course of arguments, Shri Dave pointed out that there are in total 343 posts of EDBPM in the Bhilwara Division and as many as 110 persons belonging to OBC class are holding the said posts, i.e. much more than the prescribed percentage. The factual aspect of the controversy cannot be looked into and sifted by this Tribunal and it is for the departmental authorities to determine as to what number of posts are to be allocated to the OBC candidates as against the total posts sanctioned in the division. We, therefore, leave the matter open for being decided by the departmental authorities with reference to the cadre strength and the reservation policy and dispose of this application finally with a direction that the applicant shall make a detailed representation taking all the grounds which he has mentioned in the present O.A. before the competent authority i.e. the Superintendent of Post Office, Bhilwara Division, Bhilwara (Respondent No.2), within a period of fifteen days from today and if he does so, the respondent No. 2 shall pass an appropriate speaking order taking into consideration the total strength of EDBPM as well as the number of the persons belonging to OBC who are actually working, and the rules and departmental instructions in the matter, within a period of three months. The decision taken in the matter shall be communicated to the applicant within a period of one month thereafter by registered post.

4. The O.A. is disposed of accordingly with no order as to costs.

(A.P.Nagrath)
Adm. Member

(Justice O.P.Garg)
Vice Chairman

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3/27/78

Reuter
Law
1/2/78

Part II and III destroyed
in my presence on 21-6-07
under the supervision of
section officer () as per
order dated 14/5/07

Section officer (Record)