

GENERAL ADMINISTRATIVE TRIBUNAL, PITHORGAH BRANCH PITHORGAH.
O.A.N. 222 of 1952.

Km. Radha Khanna..... Applicant.

Versus

Union of India & others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Chawla, J.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

One Tej Singh, who was an Extra Departmental Branch Post Master, Nani, District Pithoragarh, was going to notice and that is why a requisition was sent to the Employment Exchange and the Employment Exchange sponsored four names including the name of the applicant who is also a handicapped girl. All these four candidates were required to send necessary certificates and applications. It is said that the other three candidates did not send their applications but the applicant submitted her application with incomplete certificates. It appears that she was not asked to send further particulars etc. and that is why it was taken that only one application was received and that is why an advertisement was made and in pursuance of the advertisement, four applications were received. One was by the son and the other was by the daughter-in-law of Ex. Branch Post Master Tej Singh and the third was by the son of village Sathan who was none else but the cousin brother of Tej Singh - the late in Branch Post Master.

2. The respondents have stated that even though the applicant did not furnish her certificates but her application was considered. The son and daughter-in-law of late in Branch Post Master were considered.

u

-2-

were suitable candidates as Shri Khim Singh had passed High School Examination in 11th Division and the applicant in 3rd Division and that is why the appointment was given to him. Learned counsel for the respondents has drawn our attention to the instructions which have been issued by the Government in this behalf which states that "in future sponsoring of at least three candidates by the Employment Exchange should be insisted upon. In case of any difficulty, in this regard, the matter may be taken up with the Director of Employment Exchanges of the State Government concerned. Normally they have instruction to send a panel of candidates not less than thrice the number of posts notified to them. In the event of the employment exchange failing to sponsor the minimum number of candidates, the vacancy should be notified through public advertisements and while making the final selection, the comparative merit of all the candidates, i.e., those who respond to the notification as also those sponsored by the employment exchange should be taken into consideration." As the four names were already sponsored by the Employment Exchange, it was not necessary to issue public advertisement at all as the minimum number was three. Merely because after sponsoring the names by the employment exchange, one candidate has not furnished her certificates, that was not ground for issuing public advertisement and in this case it appears that for some reason, advertisement was issued and thereafter the son of outgoing Branch Post Master was selected. No concession was done to the applicant in considering her name. It was obligatory on the respondents to consider the names of those persons whose names were forwarded by the employment exchange. The selection of the son of outgoing Branch

Post Master has been made on the ground that he has passed High School Examination in II Division while the applicant passed the examination in III Division. The minimum educational qualification for selection on the post of Extra Departmental Branch Post Master is 8th Class and the instructions do not provide that one, who has passed the High School Examination in II Division, is to be given preference in comparison of III Division Candidates. The applicant even otherwise could have been selected without any public advertisement because she was a disabled girl but this aspect was not considered. Merely because a reservation as such is given to the disabled persons, this consideration should not be outright rejected. It appears that the respondents cared more for law of inheritance than for selection, that is why the selection was made. The selection, which has been made, cannot be said to be a fair selection and when the four names were already considered by the Employment exchange, there was no necessity for issuing public advertisement. Accordingly, the application is allowed and the selection of the respondent no.6 is set aside and the respondents are called upon to issue a fresh advertisement at the earliest and to make a fair selection in accordance with law. No order as to costs.


HEMS (A)


VICE CHIEF

DATED: SEPTEMBER 14, 1922.

(uc)