

ORIGINAL DOCUMENTS IN THE OFFICE OF THE SECRETARY

Principal Application No. 105 of 1977

8

Sunil Kumar Srivastava Applicant
Versus

Union of India & Others Respondents

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

Hon'ble Mr. V.K. Gadh, J.

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

The applicant who has started an institute in Extra Departmental mail, has come before the Tribunal against the appointment of Sri Ram Kailash as Extra Departmental Mail Peon of the Extra Departmental Branch Post Office. It appears that, the applicant who was already working as substitute and an advertisement for the post of Extra Departmental Branch Peon was made. Five names were sent ~~xxxxxxxxxxxxxxxxxxxx~~ by the Employment Exchange in response to the said advertisement, but before the final selection could take place, a complaint was made that ~~my name~~ the name of one village was excluded, with the result, ~~no~~ ^{not} no name from that village could ^{not} come. Obviously, the name ^{from} of all the 15 villages could not have come, but as the name of one village was excluded his name was not sent by the employment exchange and the process was repeated and one name i.e. Ram Kailash JSC was sent from that village and it is he who was selected. He is member of Scheduled Caste Community.

2. The applicant's grievance is that ~~my name~~ ^{was} as far as the post of Extra Departmental Mail Peon is concerned; it does not deserve for the member of Scheduled Caste Community and further ~~it was made~~ ^{was} the advertisement ~~was~~ ^{was} for general candidates. It was ~~only~~ ^{only} ~~reserved~~ ^{reserved} for the member of Scheduled Caste Community.

.. 2 ..

could not have been included and moreover if the names were to be invited then the committee would be made up of two persons ^{included and not of the other in the list} ~~only one name was~~ ^{included} ~~exercise~~, which was done for favouring ~~the name~~ ^{the name} ~~in the list~~. It may be, but the factual position still remains that if the name was included, it may be that some sort of favour may have been shown to ~~the name~~ ^{the name} ~~in the list~~, because, he belongs to that particular category, but ~~mainly~~ ^{would have been} ~~exercise~~, if ~~the name~~ ^{the name} ~~in the list~~ ~~is not~~ ^{is not} ~~included~~, it cannot be said that the applicant could have been selected. According to the applicant, judicial decisions are to the effect that one who has gained experience and has worked as substitute, he should have been given preference, that may be so, but when selection process has started and selection of a particular person has been made and according to the respondents on merits, the Tribunal cannot sit in judgement over the matter when there are no such grounds which may entitle for interference. ~~Moreover~~, As such, the main relief claimed by the applicant has got to be rejected.

2. However, in view of the fact, that the applicant has worked as substitute for 2½ years, there appears to be no reason why the applicants' case for consideration or appointment as Extra Departmental Mail Peon in the same delivery circle or adjoining delivery circle will not be considered and the question that he has attained a particular age will not stand in his way as when he is appointed because when he applied for the post, he was not over age. ^{Let it be considered and preference be given to him over freshers} With these observations, the application stands disposed of. In the matter of appointment, the applicant will be given ~~the post~~ ^{the post} ~~this time~~. The case is to close.

h k

h k