

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 451/96

DATE OF DECISION:
Tuesday, this the 18th Day of July 2000

Shri Anil Nana Ghaiwat & Anr. Applicants.

(By Shri S.P. Kulkarni, Advocate)

Versus

Shri Union of India & Ors. , Respondents

(By Shri. S.S.Karkera for Shri P.M.Pradhan, Advocate).

CORAM

Hon'ble Shri B.S. Jai Parameshwar, Member (J)

Hon'ble Shri B.N.Bahadur, Member (A)

(1) To be referred to the Reporter or not? }

(2) Whether it needs to be circulated to
other Benches of the Tribunal? }

(3) Library.


(B.S. Jai Parameshwar)
Member (J)

sj*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.451/96

DATED: TUESDAY, this the 18TH DAY OF JULY, 2000.

CORAM: HON,BLE SHRI B.S. JAI PARAMESHWAR, MEMBER (J)
HON'BLE SHRI B.N.BAHADUR, MEMBER (A)

Shri Anil Nana Ghaiwat
(A candidate for the post of E.D.
Delivery Agent, Kharade Branch
Post Office, Shahapur
Tal & Dist. Thane
R/at: Kharade P.o. Kharade
Tal. Shahapur, Dist. Thane
Thane 421 601.

2. Shri Bhaskar Revaji Jagtap
Secretary, National Union of
Extra Departmental Agents &
E.D.B.P.M. Maharashtra Circle
Naupada Post Office.
Dist.Thane.

..... Applicants

(Applicants represented by Shri S.P.Kulkarni, Advocate)

vs.

1. The Union of India
through :
Assistant Superintendent of Post
Offices, Thane Sub-Division
Thane R.S. P.O. Building 3rd floor
Near Thane Railway Station C.Rly.
at P.O. Thane 400 601

2. Senior Superintendet of Post Offices
Thane Central Division,
Thane R.S. Post Office Building
3rd floor,
Thane, 400 601.

3. Chief Post Master General
Maharashtra Circle, 2nd floor,
Old G.P.O. building
Near C.S.T. (V.T) Central Rly.
Fort, Mumbai 400 001.

4. Shri Suresh Nathu Chaudhari
Extra Departmental Delivery
Agent,
Kharade Branch Office,
Via Shahapur S.O.
Dist. Thane. 421 601.

..... Respondents.

(By Shri S.S. Karkera for Shri P.M. Pradhan, Advocate)

ORDER (ORAL)

[Per: B.S. Jai Parameshwar, Member (J)]

(Notice to Respondent No.4 sent.)

Heard Mr. S.P.Kulkarni learned Counsel for the Applicant and Shri S.S.Karkera for P.M. Pradhan for learned Counsel for the Respondents. Notice to the Respondent No.4 is sent and deemed to have been served on him. Called. Absent.

2. A post of Extra Departmental Delivery Agent at Karade Branch Post office fell vacant. The Respondents approached the local employment exchange for sponsoring the eligible candidates to fill up the post on regular basis. There was no response from the Employment Exchange and hence the Respondents issued a open Notification dated 1.3.1996.

3. In response to the said notification seven applications including that of the applicant were received. The Respondent authorities (R.1) after verification, selected the Respondent No.4 to the said post.

4. Applicant being aggrieved by the selection and appointments of Respondent No.4 has filed this Application for the following reliefs:

(a) to call for the records of the Selection made of Respondent No.4 for the post of E.D.D.A., Kharade Branch Office, vide Notification date 01.3.1996 by Respondent No.1 to ascertain the irregularities and infraction of Recruitment Rules as also other illegalities.



(b) The Notifications dated 01.3.1996 being grossly defective and violative of the Recruitment Rules (for E.D.O.A.) be quashed and set aside.

(c) The Selection and appointment of Respondent No.4 i.e. Shri S.N.Chaudhari, be held as illegal and the same be quashed and set aside being done in violation of Recruitment Rules as also arbitrary.

(d) The Respondent No.1 be directed to carry out fresh selection process in accordance with Recruitment Rules and the law laid down in Full Bench Judgement of S.R. Rangnayakalu."

5. The main contention of the Applicant is that there was shortfall in the representation of the reserved community candidates and therefore the impugned notification is not in accordance with the Rules. He has given in paras 4(5) of the Application the details of strength of EDAs in the division. On the other hand, the Respondent Authorities in the reply submitted that there was no shortfall in the representation of Reserved Community candidates as on the Notification dated 1.3.1996.

6. As on 1.3.1996 whether there was shortfall of Reserved Community candidates in the unit or not can be verified by the Respondents on the basis of the facts and figures available with them. It is not for the Tribunal to make an enquiry as to whether there was shortfall in the representation of reserved Community Candidates.

7. The Respondents shall now consider the strength of the EDA Staff in the Division or Circle and ascertain the number of



Reserved Community candidates working in the various Branch Offices in the Circle and ascertain whether there was shortfall in the representation of the reserved community candidates. In case the Respondents come to the conclusion that there was shortfall of SC/ST candidates, as on 1.3.1996 then the Respondents shall issue a fresh Notification calling applications from the particular Community.

8. In case, the Respondents form an opinion that there was sufficient representation of the reserved community candidates as on 1.3.1996 then the Respondents shall inform the Applicant suitably.

9. Hence the following directions are given.

(a) The Respondents shall verify from the records available with them whether as on 1.3.1996, the representation of the reserved community candidates was adequate or not.

(b) If the Respondent authorities form an opinion that there was shortfall of reserved Community candidates then they shall issue fresh Notification reserving the post for the particular community. In such an event the appointment of the Respondent No.4 shall be treated as provisional.

(c) Time for compliance is four months from the date of receipt of this order.

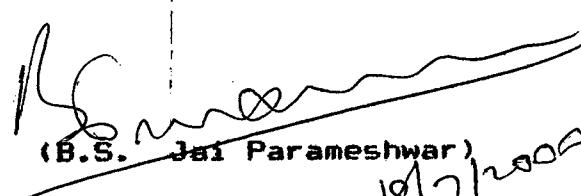
10. With the above directions the D.A. is disposed of with no orders as to costs.



(B.N. Bahadur)

Member (A)

sj*



(B.S. Jai Parameshwar)

Member (J)

18/7/2000