

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP AT NAGPUR

(6)

O.A. NO: 670/90

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DATE OF DECISION 19.11.1991

Ms. Prema Ramteke

Petitioner

Ms. Surekha Kumbhare

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. Ramesh Darda

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. M.Y.Priolkar, M(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

mbm*


(U.C.Srivastava)
V/C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
CAMP AT NAGPUR



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Original Application No.670/90

Ms. Prema Ramteke,
E.D. Agent Nagpur City H.O.
R/o. Nagpur, Dist. Nagpur.

... Applicant

v/s

1. Union of India, through its Secretary, Deptt. of Posts, New Delhi 110 001.
2. The Post Master General, Maharashtra Circle, At Post, Nagpur 440 010.
3. The Sr. Supdt. of Post Offices, Nagpur City Division, Nagpur.
4. Shri D.G. Kawale, E.D. Agent, Patwardhan Ground, Nagpur.
5. Miss S.B. Karpate, E.D. Agent, Gokulpeth, Nagpur.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Ms. Surekha Kumbhare, Advocate
for the applicant and
Mr. Ramesh Darda, Counsel
for the respondents.

ORAL JUDGEMENT:

Dated : 19.11.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant was appointed as Extra Departmental Agent of the Department of Posts prior to the year 1983 and ~~was~~ in the combined seniority list of E.D. employees in Nagpur City Division issued on 30.10.1983 the applicant was placed at serial No.180. A departmental examination for 12 posts, one of which was reserved for SC community to which the applicant belongs was held on 19.11.1989. The applicant was allowed to appear in the examination and she succeeded in it vide memo dated 9.12.1989. Thereafter a revised order dated 13.7.90 was issued declaring

Respondent No.5 as passed although according to the applicant she failed in the examination with the result that the applicant was not offered the opportunity to be appointed to one of those 12 posts or even against the post reserved for SC community though a member of ST was appointed. Feeling aggrieved the applicant has approached the Tribunal. The respondents have resisted the claim of the applicant and have stated that the applicant was not successful because a wrong date was given in the form and as a matter of fact she was appointed later-on. The applicant was not qualified to appear in the examination and Respondent No.5 was in fact qualified. The applicant was allowed to appear even though she was junior to Respondent No.5 as she had given her date of appointment as 14.4.1982 whereas she was appointed on 14.9.1982. Counting from that date she did not fulfil the requisite period and that is why she was not entitled to appear in the said examination. However, it appears that during the pendency of this application the applicant being a member of SC community was appointed vide order dated 4.10.1991 and the learned counsel for the respondents contended that the application has become infructuous. The learned counsel for the applicant contended that as a matter of fact the date of appointment was given wrongly and even if she had wrongly given her date of appointment, being a member of SC community as such no other candidate was available even then she was entitled to be appointed even if she was not eligible so far as the period of service is concerned though according to her she was so eligible. This is a matter which can be decided by the department after taking into consideration ^{The relevant facts.} As the applicant has already ~~been~~ succeeded in getting the appointment, only

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limited relief can be granted to the applicant vis. direct the respondents to decide within three months as to whether the applicant was eligible to appear in the examination as a member of SC community and even otherwise whether she was not eligible to appear and in case she was allowed to appear she was entitled to be appointed against SC quota with effect from the date others were appointed and in case the department finds that the applicant's case has not been considered correctly, she will be appointed from the date others were appointed. With these observations the application stands disposed of. No order as to costs.



(M.Y. Priolkar)
Member(A)



(U.C. Srivastava)
Vice-Chairman

v/-