

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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C.A. 1430/95.Dt. of Decision : 17-03-98.

Smt. N. Elisamma

.. Applicant.

Vs

1. The Supdt. of Post Offices,  
Khamma Postal Division,  
Khammam-3, A.P.

2. Mrs. Padma

.. Respondents.

Counsel for the applicant : Mr. P. Rathaiah

Counsel for the respondents : Mr. K. Ramulu, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

*See*

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ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Heard  
 None for the applicant. Mrs.Rukmini for Mr.K.Ramulu,  
 for R-1  
 learned counsel for the respondent. None for the Respondent No.2.

2. The facts of this case are as follows:-

Do fill up  
 Due to the vacancy of the post of Extra Departmental Branch Pest Master, Yerrabeinapalli Village, Kallur Mandal, Khammam District a requisition was placed on the employment exchange for sponsoring candidates. As there was no response from the District Employment Exchange, Khammam in response to the requisition dated an 7-5-95, open notification was issued on 6-7-95 fixing the last date for receipt of applications as 5-8-95. Ten applications were received in response to the notification including that of the applicant as well as R-2. R-2 was selected.

3. This OA is filed for setting aside the appointment order of R-2 and for a consequential direction to R-1 to select the applicant for the post of EDBPM, Yerrabeinapally Branch office, as per D.G. P&T Letter No. 43-84/80-Pen., dated 13-03-84.

4. As per the D.G. P&T Letter dated 13-3-84 if there is inadequate representation of the SC/ST in the ED staff, SC/ST may be given preference, subject to the condition laid therein.

5. The applicant submits that she is ~~an~~ SC candidate and as there was inadequate representation of SC in the ED cadre in that division she had to be appointed giving preference to him even though she had secured less marks than R-2 ~~xxxxxxrepresentativexxxxx~~  
~~xxxxxxrepresentativexxxxx~~

6. The Calcutta Bench of this Tribunal reported in 1997 (36) ATC 41 (Shibnath Dhara Vs. UOI & Others) held that preference can be given to SC/ST only if the notification states that preference will be given to the SC/ST. If no such condition is there in the notification then the most eligible meritorious candidate must be selected.

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It is not stated by the applicant that in the notification it has been stated that the preference will be given to SC/ST candidates. The respondents submit that there are no such remarks in the notification and hence they have selected R-2 as both the R-2 and the applicant fulfilled all the conditions in regard to income and property and amongst the two, R-2 was found more meritorious. R-2 had secured 400 marks in SSC whereas the applicant got only 273 marks in SSC. In case the applicant is of the opinion that notification is faulty as no preference was given to the SC candidate, she should have challenged the notification even before she applied for the post. Having submitted to the notification and applied for the post without hesitation even without a protest the applicant cannot challenge the selection now.

7. In view of the above we do not find any reason to allow this application. Hence the application is dismissed as having no merits. However, if the respondents consider in future ED appointments the fulfilment of the D.G. P&T letter dated 13-03-84 is necessary by counting the number of SC/ST in the cadre of ED and if it is inadequate, then action as given by D.G. P&T letter dated 13-3-84 should be followed by indicating in the notification in regard to the preference to be given to the SC/ST candidates.

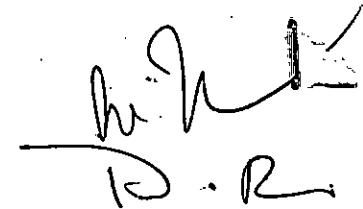
8. The OA is dismissed with the observations as above.

No costs.

  
(B.S.JAI PARAMESHWAR)  
MEMBER (JUDL.)

  
17.3.98

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
Dated : The 17th March, 1998.  
(Dictated in the Open Court)

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D.A. 1430/95

Copy to:-

1. The Supdt. of Post Offices, Khammam Postal Division, Khammam.
2. One copy to Mr. P. Rathaiah, Advocate, CAT., Hyd.
3. One copy to Mr. K. Ramulu, Addl. CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
M(J)

DATED: 17/3/98

ORDER/JUDGMENT

M.A./R.A./C.A./NO.

in  
O.A. NO. 1430/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

