

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.65/98

Date of order: 25.9.2000

Jagan Frashad, S/o Shri Bhikaram Yogai, R/o Vill & Post Khohara  
Malawani, Distt. Alwar.

...Applicant.

Vs.

1. Union of India through its Secretary, Mini. of Communication, Deptt. of Post, Dak Bhavan, New Delhi.
2. Superintendent of Post Office, Alwar, Head Post Office.
3. Post Master, Head Post Office, Alwar.

...Respondents.

Mr.J.K.Kaushik - Counsel for applicant.

Mr.K.N.Shrimal - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to give appointment to the applicant on the post of EDDA.

2. The case of the applicant in brief is that a selection process was initiated for recruitment to the post of Postman by notifying the vacancy to Employment Exchange on 9.6.97 and in response to this, the Employment Exchange furnished a list of 20 candidates including the applicant. The applicant also submitted his application alongwith copies of the required certificates/documents but he was not selected whereas Shri Kailash Chand Meena was selected. It is stated that this selection was made by manipulating the selection proceedings. It is also stated that respondent No.3 demanded Rs.15000/- for giving employment to the applicant but he was unable to give the amount, therefore, the respondents have not selected the applicant. He, therefore filed the O.A

*S. V. A.*

(B)

for the relief as mentioned above.

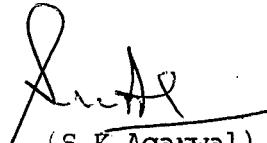
3. Reply was filed. In the reply it is stated that the Post Master Alwar, initiated recruitment process for the post of Postman and Employment Exchange, Alwar was requested to sponsor names of the candidates. It is also mentioned in the notification that preference will be given to SC/ST candidates. It is further stated that in response to the notification, Employment Exchange, Alwar supplied a list of 20 candidates and these 20 candidates were sent information to submit the required documents but only 11 candidates were responded. It is stated that Shri Kailash Chand Meena being ST candidate and having better percentage of marks was found most suitable by the Post Master, Alwar and accordingly Shri Kailash Chand Meena was selected and he joined on the post on 4.7.98. It is stated that this vacancy was notified for SC/ST candidates and the applicant does not belong to SC/ST category and he has also not challenged the appointment of Shri Kailash Chand Meena, therefore, the applicant is not entitled to any relief sought for.

4. Heard the learned counsel for the parties and also perused the whole record.

5. Admittedly, Shri Kailash <sup>Chand</sup> Meena belongs to ST category and his percentage of marks which he secured in the High School Examination was higher than the applicant. The allegations of corruption made by the applicant could not be established by him by convincing and reliable evidence. In our considered view we do not find any arbitrariness or illegality committed on the part of the respondents in selecting Shri Kailash Chand Meena for the post of Postman. Shri Kailash Chand Meena has already joined on the post on 4.7.98 and he has not been impleaded as necessary party in this case. Therefore, on the basis of the above all, we are of the considered view that the applicant has no case for interference by this Tribunal and we do not find any infirmity in the selection of Shri Kailash Chand Meena on the said post.

6. We, therefore, dismiss the O.A having no merits with no order as to costs.

  
(N.P. Nawani)  
Member (A).

  
(S.K. Agarwal)  
Member (J).