

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No.343/03

Jabalpur, this the 18th day of August, 2004.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman  
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Padmakant Shivhare  
S/o Shri Luxmi Prasad Shivhare  
Extra Departmental Branch Postmaster  
Dhunwara Head Office  
Amdara, Dist. Satna (MP)

Applicant

(By advocate Shri D.K.Pandey on behalf of  
Shri A.K.Tiwari)

Versus

1. Union of India through  
The Secretary  
Department of Post  
New Delhi.
2. Postmaster General  
Chhattisgarh, Raipur Division  
Raipur.
3. Superintendent of Post offices  
Rewa Division, Rewa (MP)
4. Inspector Post Offices  
Post office Maihar  
Dist.Satna (MP)

Respondents.

(By advocate Shri Om Namdeo)

O R D E R (oral)

By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following reliefs:

(1) To quash orders dated 7.4.03 issued by Chief Post Master General, Chhattisgarh Raipur Region and dated 12.5.03 issued by Superintendent of Post Offices, Rewa Division.

(ii) Direct the respondents to regularise the services of the applicant on his post and pay his regular salary.


2. The brief facts of the case are that the applicant was selected and appointed as Extra Departmental Branch Postmaster, Gunwara, Dist. Satna, while he was working as such, the respondents cancelled his appointment on the ground that there was irregularity in his selection.

The applicant challenged the order of cancellation (Annexure A5) as also the order dated 7.4.03 issued by the Chief Postmaster General, Chhattisgarh-Raipur Region for cancellation of the appointment.

3. Heard learned counsel for both parties. Learned counsel of the applicant stated that the applicant belongs to OBC. The respondents have advertised the post for a candidate belonging to SC/<sup>ST</sup> and in case an SC/<sup>ST</sup> candidate, <sup>are</sup> ~~is~~ not available, the post will be treated as <sup>for OBC</sup> ~~unreserved~~ and thereafter <sup>un-reserved.</sup> OBC. Since the applicant belongs to OBC, he was eligible for being considered as his name was sponsored by the employment exchange.

4. On the other hand, learned counsel for the respondents states that the applicant has submitted only an affidavit in place of caste certificate. Learned counsel of the respondents also submitted that the selection has been made in contravention of the instructions issued by the Directorate under letter No.19-4/97-ED & Training dated 19.8.98.

5. We have given careful consideration to the rival contentions. We find that the applicant has been duly selected by following the procedure laid down for the purpose. However, the respondents have cancelled the appointment of the applicant on the ground that the same was made in contravention of the instructions contained in letter dated 19.8.98. It is also stated by the learned counsel for the respondents that the post was reserved for ST candidate. However, they have not spelt out the reason and the ground whereby the irregularity has been



(A.K.Bhatnagar)  
Judicial Member

(M.P. Singh)  
Vice Chairman

aa.

परिलिखि अजं शिलः—

- (1) सखिय, उच्च न्यायालय गोर हम्प्रेयस्थान, जलपुर
- (2) गाविस धी/धीर्धर/.....को गाउँसल
- (3) फादी/.....को गाउँसल
- (4) लोचन, लोचन, .....को गाउँसल

संयोजन. एवं आन्तरिक कर्मवर्ती ह्यु

३५ रजिस्ट्रार

DK Pandey  
on hand

Issued  
on 23.8.04  
B.S.