

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 1018 OF 1996

FRIDAY, THIS THE 22nd DAY OF NOVEMBER, 2002

HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. A.K.BHATNAGAR, MEMBER (J)

Deo Pratap Pandey aged about 31 years
s/o Shri Ram Surat Pandey,
r/o Village Sahulakhori,
Post Office Bharohiya,
Tehsil Khajani,
District-Gorakhpur.

....Applicant

Counsel for the Applicant: Shri Rakesh Verma

V E R S U S

1. Union of India through Secretary,
Ministry of Communication,
New Delhi.
2. Sub Divisional Inspector,
Urwa Bazar, Gorakhpur Division,
Gorakhpur.
3. Shri Ram Ashis Tiwari aged about 29 years,
s/o Shri Kali Prasad Tiwari,
r/o Village & P.O. Bharohiya,
Tehsil Khajani,
District - Gorakhpur.

...Respondents

Counsel for the Respondents: Ms. S. Srivastava.

O R D E R

Hon'ble Mr. S. Dayal, Member (A)

This O.A. has been filed for setting aside the
appointment of respondent No.3 on the post of Extra
Departmental Delivery Agent, Deorartula Post Office,
District-Gorakhpur. The applicant has sought a direction

to the respondents to appoint him in place of respondent No.3.

2. The claim of the applicant is that post of EDDA, Deorartula fell vacant in October 1995. A requisition was sent to Employment Exchange, Gorakhpur, on 20.02.1996. The applicant applied including marksheet of High-School in which he had secured 50.4% marks. The applicant has also independent source of income of Rs.2,000/- per-month as shown in the certificate given by Tehsildar, Khajani, District Gorakhpur. He has also given a certificate of Gram Pradhan regarding his residential status. He claimed that his name was sponsored by the Employment Exchange along-with respondent No.3 and two others. The applicant had submitted his application dated 04.04.1996 in response to a letter dated 22.03.1996 received from respondent No.2. He has also claimed that respondent No.3 had obtained 46% marks in the High-School and yet he was appointed. The applicant stated that he was residing in village Manjhariya, P.O. Deorartula, District- Gorakhpur, and therefore, his candidature cannot be ignored.

3. We have heard Shri R.Verma, learned counsel for the applicant and Ms. S. Srivastava, learned counsel for the respondents.

4. The respondents have filed a counter reply in which it has been mentioned that Annexure A-11 to the O.A. was found false. It is mentioned that Annexure A-6 to the O.A. showed that the applicant was regularly residing at village Ultha Bujurg, which was ^{also} found false during enquiry. It is claimed that Annexure A-8 & A-9 had been filed by the applicant but no certificate of having independent source of private income had been furnished. It has been mentioned that the applicant was found unsuitable because he had

submitted forged marksheet, forged residential certificate etc. and made false declaration. It is claimed that applicant had applied for the post of Extra Departmental Delivery Agent/Mail Carrier, Kajnee Tehsil, in which he declared that he is a permanent resident of Pariyapar and that he had passed VIIIth in first division from Gandhi Inter College, Pariyapar, District-Gorakhpur. His marksheet and residential certificate were found false. It is claimed that applicant had got another registration with Employment Exchange by showing that he was 8th pass only. It is claimed that applicant had passed B.A. and had this qualification of B.A. since 1985 which was one year before registration as 8th pass and Inter Pass. It is claimed that forged marksheet and forged documents were prepared to deceive the Employment Exchange.

5. The applicant has claimed in the rejoinder that he had declared his residence of Sahulakhore in all the certificates and therefore, he had not practised any deception. It is also claimed that since the verification of permanent residence of village where post office is situated is not required now and the only requirement is that selected person should arrange residence in the village in which post office is located, the certificates are no longer of any significance. He has mentioned that as far as certificate regarding his residence in village Deorartula was concerned, the certificates were witnessed by two other persons who were Gram Pradhan and Shri Ashok Kumar Chaurasia. It is claimed that his certificate regarding his residence in village Ultha Bujurg was also correct and that verification of 18.03.1997 appears to have done for the purpose of frustrating the applicant of his appointment. He has claimed that he had never applied for the post of EDDA Pariyapar

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and the application related to some other person Shri Dev Pratap Pandey.

6. We have seen certificate annexed as Annexure A-6 regarding residence in Ultha Bujurg. Although this certificate shows that applicant has mentioned as resident of village Sahulakhore, it also states that he was residing in village Ultha Bujurg. The applicant has submitted another certificate in which Shri Ashok Kumar Chaurasia of Deorartula has stated that the applicant was residing at his place and certificate also mentioned that the applicant was permanent residence of village Sahulakhore. The verification of the residence of applicant at Deorartula by mail overseas showed that the applicant was not residing in Deorartula. The verification of the residence of the applicant at Ultha Bujurg was done by Sub Divisional Inspector around the same time who had found that the applicant was not residing at Ultha Bujurg. Annexure No.6 & 7 were indeed taken in the month of March 1997, regarding residence of the applicant in Pariyapar. It appears that the selection of Pariyapar related to an earlier date and the verification was done subsequently.

7. The applicant has claimed ^{that} the papers relating to the selection for the post of EDDA Pariyapar was in connection with application made by a person other than the applicant. However, we have seen Annexure CA-4 that the name, father's name and date of birth are the same and it would be ^{too} much of a co-incidence to believe ^{it is} to be of a different persons.

8. We, therefore, find that the reasons ^{given} for rejection of the application of the applicant for the post of EDDA Deorartula was reasonable and dismiss the application.

9. There shall be no order as to costs.