

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1041 OF 1996

ALLAHABAD, THIS THE 24th DAY OF NOVEMBER, 2003

HON'BLE MR. JUSTICE S. R. SINGH, V.C.

HON'BLE MR. D. R. TIWARI, A.M.

Smt. Neelam Pandey,
w/o Shri Sanjay Kumar Pandey,
r/o Village and Post Office Unchgaon,
Tehsil Shahganj, District-Jaunpur.

.....Applicant

(By Advocate : Shri A. Tripathi)

V E R S U S

1. Union of India through the Secretary(Posts),
Ministry of Communication, Government of India,
Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General,
Allahabad Region, Allahabad.
3. Director Postal Services,
Allahabad Region, Allahabad.
4. Superintendent of Post Offices,
Jaunpur Division, Jaunpur.
5. Smt. Kiran Singh w/o Shri Ram Vijai Singh,
r/o Village and Post Office Unchgaon,
District-Jaunpur Presently posted as the
E.D.B.P.M., Unchgaon, Jaunpur.

.....Respondents

(By Advocate : Shri Amit Sthaleker)

O R D E R

By Hon'ble Mr. Justice S. R. Singh, V.C.

Heard counsel for the parties and perused the pleadings.

The applicant herein has prayed for quashing the appointment of

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respondent No.5 as Extra Departmental Branch Post Master. The applicant and also the 5th respondent were amongst the candidates for the post in question. It appears that an earlier O.A. No.01 of 1996 was filed by the applicant herein for issuance of a direction to the authorities to consider her candidature for appointment to the post of Branch Post Master Unchgaon coupled with the direction to enter her name in the list dated 26.12.1995. The said O.A. came to be dismissed as infructuous vide order dated 19.12.1996. During the pendency of the said O.A., there was an interim order restraining the respondents from making any appointment on the post in question. It is submitted that in ignorance of the interim order, the respondent authorities issued appointment order in favour of the 5th respondent on 21.06.1996 but subsequently, on coming to know of the interim order, the said appointment order was withdrawn/cancelled vide order dated 08.10.1996. However, after dismissal of the O.A. No.01/96, the 5th respondent was again appointed. The present O.A. seeks issuance of an order or direction commanding the respondents to quash the impugned order of appointment issued in favour of the 5th respondent coupled with a direction make appoint the applicant on the post of Extra Departmental Branch Post Master.

2. It has been submitted by learned counsel appearing for the applicant that applicant had secured highest marks in the High School Examination and she was infact, first in order of

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merit. But she has been denied appointment merely on the ground that she was ineligible due to the reason of income/property qualification. Learned counsel for the applicant has contended placing reliance on the Full Bench decision of the Tribunal in the case of H. LAKSHMAN AND ORS VS. THE SUPERINTENDENT OF POST OFFICERS BELARY AND ORS, reported in 2003(1)ATC 277 that appointment of 5th respondents on consideration of her income is contrary to the Rules which provide for appointment on the basis of merit to be determined as per rules on the basis of marks obtained in the matriculation examination. We find substance in the submission made by counsel for the applicant. In paragraph 23 of the Counter Affidavit filed by Shri Laxman Singh Senior Superintendent of Post Offices, Jaunpur Division, Jaunpur on behalf of the official respondents, it is admitted that the petitioner secured 66.3% marks in the High School examination as against respondent No.5 who secured 65.8% marks. That being the admitted position the applicant ought to have been appointed as per law laid down by the Full Bench of this Tribunal in the aforesaid case. The appointment of the 5th respondent, therefore, cannot be sustained in law.

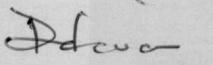
3. Accordingly, the Original Application succeeds and is allowed. The impugned appointment of 5th respondent is quashed and respondents are directed to offer appointment to the petitioner within a period of one month from the date of

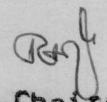
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receipt of a certified copy of this order.

There will be no order as to costs.


Member (A)


Vice-Chairman

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