

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1006 OF 97

FRIDAY, THIS THE 15TH DAY OF NOVEMBER, 2002

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN
HON. MR. S. JHA, MEMBER-A

Rajeev Kumar,
s/o Shri Lala Ram
r/o village Dalelganj,
Post. Dalelganj,
Dist:- Pilibhit.applicant
(By Advocate :- R.Verma)

Versus

1. Union of India through Director,
Post Master General,
U.P. at Lucknow.
2. Senior Superintendent of Post Offices,
Pilibhit.
3. Assistant Superintendent of Post Offices,
Pilibhit.
4. Har Prakash
s/o Shri Shobha Ram,
r/o Mohalla Pasipur
Post Jahanabad,
Dist:- Pilibhit Respondents.

(By Advocate:-Shri S.C.Tripathi)

O R D E R (ORAL)

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this O.A under Section 19 of
Administrative Tribunals Act, 1985, applicant
has challenged the appointment of respondents
No. 4 who has been appointed as EDDA in Post
Office Dalelganj, District Pilibhit.

2. The facts of the case are that the respondents requisitioned the names of suitable candidates from Employment Exchange for appointment as EDDA in the aforesaid Post Office. The Employment Exchange sponsored ten names including the names of applicant and respondent No.4 were the selection



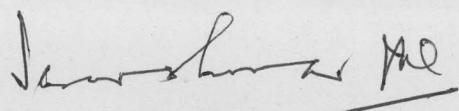
proceedings took place ^{and the} respondents No. 4 was selected and has been appointed vide order dated 27-6-1997 which has been impunged in this O.A and filed as Annexure-7. The learned counsel for the applicant has challenged the appointment of respondent No. 4 on three grounds. The First submission is that respondent No. 4 was not resident of village ^{where} ~~the~~ Post Office is situated or ^{not any} ~~near~~ by place; hence, he could not be appointed. The second submission is that the Class 8th was the minimum qualification and ^{The} applicant had secured better marks than respondents No. 4 and on merit applicant was better. The third submission is that applicant had worked as EDDA on the post in question for several occasions and he ought to have been given preference.

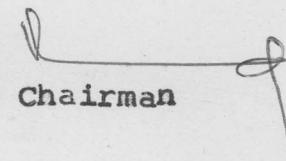
3. Shri S.C.Tripathi, learned counsel for the respondents, on the other hand, submitted that the Employment Exchange sponsored names and gave address of the respondent No. 4 as resident of Neveda, Shyampur Post Office Daleganj. Thus, it was clear that he was resident of a village falling ^{within} within jurisdiction of the Branch Post Office Daleganj and he was entitled to be appointed. It is also submitted that both applicant and respondent No. 4 were ^{passed} High School ^{and} ~~those~~ were entitled for preference as per notification issued, as both were High School. The respondent No. 4, who had secured better marks ^{than} ~~the~~ applicant, has been preferred for appointment. The order ^{does not} ~~suffer~~ from ^{any} ~~any~~ error of law. It is further submitted that the applicant could not complete three years'

service, hence, he was not entitled for any benefit.

4. We have considered the submissions of the counsel for the parties and we do not find any merit in submission made by ^{The} counsel for the applicant. In the O.A, ^{The} applicant has failed to make ^{any} positive assertion about the residential address of respondent No.4. Much emphasis has been made on the address given in the appointment letter that respondent No. 4 was resident of Mohalla Pasiapur, Jahanabad which was out of area of jurisdiction of Branch Post Office Dalelganj. But we do not find any merit in this submission. Employment Exchange mentioned the village of resident of the respondent No. 4 as Naveda Shyampur with post Office Dalelganj. There was another document on record which has been filed by applicant himself alongwith rejoinder which is ⁱⁿ postal address mentioned in the letter addressed to respondent, No. 4 which shows that ^{he is a} resident of village Sasuwar, Post Office Dalelganj. Thus, in these important documents, respondent no. 4 has been mentioned resident of villages falling within a jurisdiction of Branch Post Office Dalelganj. In view of this, we do not find any illegality in appointment of respondent No. 4. In appointment letter, address could be ~~various~~ for ^{different} ~~some other reasons~~ ^{some other} ~~various residents~~, the address could be mentioned ^{for} ~~for some other reasons~~ so far as the merit is concerned, there is no doubt that both the applicant and ^{The} respondent No.4 had passed High School and they belong to category of preferential candidate as per notification and in the High School merit ^{of} the respondent No. 4 was better. Thus, he has been rightly selected.

Last submission of the applicant is that he had worked on the post, could not also be helpful as it has not been shown that the services rendered by him ~~were~~ ~~are not~~ for more than three years. In the circumstances, we do not find any merit in this O.A and ~~the same~~ is dismissed accordingly with no order as to costs.


Member-A


Vice Chairman

Madhu/