

## CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 27TH DAY OF AUGUST, 1997

Original Application No.437 of 1997

HON.MR.S.DAS GUPTA, MEMBER(A)

HON.MR.D.C.VERMA, MEMBER(J)

Harish Chandra Nigam  
 Extra Departmental Branch Post Master  
 Patarsa, Ghatampur, Kanpur

.. Applicant

(By Advocate Shri A.K. Banerjee )

Versus

1. Union of India through the Secretary  
 Dak Vibhag, New Delhi
2. Chief Post Master General  
 U.P. Circle, Lucknow.
3. The Post Master General, region Kanpur
4. The Superintendent, Post offices  
 M. Div. Kanpur.

.. Respondents

(By Advocate Km. Sadhana Srivastava)

O R D E R(Oral)HON.MR.S.DAS GUPTA, MEMBER (A)

Through this application the applicant has sought a direction restraining the respondents not to fill the post of EDBPM in the branch post office at Patarsa which is already filled by an appointment of the applicant. He has also sought a direction to the respondents to consider his candidature in the selection for the aforesaid post.

2. The admitted facts in this case are that the applicant was regularly selected for the post of E.D. mail Peon in the Patarsa branch post office. When the regular incumbent on the post of Extra Departmental Branch Post master(EDBPM in short) in the same post office fell vacant the applicant was appointed as a Substitute. Thereafter a process of selection on the post was initiated by sending a requisition to the Employment Exchange in response to which the employment exchange sponsored the names of three candidates.

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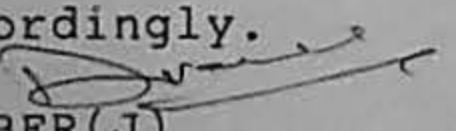
The applicant also submitted an application for being considered for the same post.

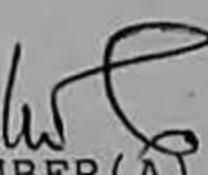
3. The case of the respondents is that the applicant did not annex any document indicating the source of income or possession of property which was necessary in terms of the requisition which was sent through the employment exchange and therefore his candidature cannot be considered.

4. The applicant has filed a rejoinder annexing certain documents to indicate that he does possess immovable property and also source of income.

5. We have heard the learned counsels for both the parties and perused the pleadings on record. The respondents have not considered the candidature of the applicant on the ground that he did not annex the required documents regarding possession of immovable property and source of income with the application. In our view the applicant was a serving employee of the same post office, it would be unfair to reject his candidature on this ground. If his candidature is found unsuitable on the ground of non-possession of immovable property, there cannot be any <sup>h. Causa of Grievance</sup> fault. We therefore direct the respondents to consider the applicant's candidature on the basis of the documents which he has now produced regarding his property and source of income alongwith other candidates sponsored by the employment exchange. The selection, it is needless to say, shall be on the basis of merit.

6. With the above discussion the OA is disposed of accordingly.

  
MEMBER (J)

  
MEMBER (A)

Dated: 27.8.97