

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of October, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.  
HON. MR. D. R. TIWARI, A.M.

O.A. No. 73 of 1997

Narendra Pratap Singh, son of Sri Adya Pratap Singh, R/O  
Village and post Bhikhanapur, District Pratapgarh.

.....

.....Applicant.

Counsel for applicant : Sri S. Dwivedi.

Versus

1. Union of India through the Secretary, Ministry of Communication, Government of India, New Delhi.
2. Senior Superintendent of Post Offices, District Pratapgarh.
3. Sub-Divisional Inspector (Postal), Western Sub-Division, Pratapgarh.
4. Shri Ashok Kumar Lal, son of Shri Bachchu Lal, R/O Village Purekharag Rai, Post Vishwanathganj, District Pratapgarh, posted as Extra Departmental Mail Carrier in Bhikhanapur, Post Office, District Pratapgarh.

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.....Respondents.

Counsel for respondents : Sri S. Singh.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard counsel for the parties. None has appeared on behalf of the Private Respondent No.4. We have also perused the pleadings.

2. The applicant and party Respondent No.4 were amongst the candidates sponsored by the Employment Exchange for appointment to the post of Extra Departmental Runner of Branch Post Office, Bhikhanapur falling within the jurisdiction of Lekha Karyalaya, Vishwanathganj. The applicant is a resident of Bhikhanapur whereas the 4th Respondent is a resident of Vishwanathganj. The applicant, it is not disputed, was highest on the top of merit list

*RSJ*

Instead of appointing the applicant, the Respondents have appointed the 4th Respondent, the ground of which the appointment of 4th Respondent is sought to be given. In the counter affidavit it is mentioned that the 'merit in educational qualification is not the only criteria for appointment on the said post.' In paragraph 15 of the C.A., it is alleged that the appointment has to be made of a candidate who is the resident of Vishwanathganj or any village falling under the jurisdiction of Vishwanathganj. This ground, in our opinion, cannot be held to be a valid ground to deny appointment to a candidate who was otherwise on the top of the merit list. The vacancy was notified at Branch Post Office Bhikhanapur and the applicant happens to be a resident of Village Bhikhanapur. There was no justification to deny him appointment even if it would be held that a E.D. Runner should be a resident of the village where the post office is located. It may pertinently be noticed that Clause 4 of Section (iv) provides that E.D. Mail Runner and Mail Peon should reside in the station of the main post office or stage wherefrom mails originate/terminate, i.e. they should be permanent residents of the delivery jurisdiction of the Post Office. The applicant in the present case resides in the village where the Branch Post Office is located. The requirement of residence was thus, fulfilled by the applicant and there was no justification for denying him appointment. The applicant, in our opinion, has been discriminated <sup>in the matter of</sup> ~~for the~~ appointment. The 4th Respondent was lower in order of merit and was appointed without legitimate right.

3. Accordingly, in view ~~of~~ of the above discussion, the O.A. succeeds and is allowed. The appointment of 4th respondent is quashed. The official respondents are directed to offer appointment to the applicant at the concerned Branch Post Office with liberty to accommodate the 4th Respondent at any other place in accordance with the

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relevant service rules.

No order as to costs.

*Atteca*

A.M.

*RGV*

V.C.

Asthana/