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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

ALLAHABAD

Original Application No. 793 of 1997

Allahabad, this the 4th day of September 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble M& Gen K.K. Srivastava, A.M.

Ashok Kumar Yadav

Aged about 21 years son of Shri Bhagwati

Yadav, Resident of Village-Khutahan Khas,

Post - Khutahan Khas Via Bhatat,

GORAKHPUR.

.....Applicant

By Advocate : Shri K.C. Sinha, Shri A. Srivastava.

Versus

1. Union of India through  
Post Master General, Gorakhpur.
2. Director Postal Services,  
Gorakhpur.
3. Senior Superintendent of Post  
Offices, Gorakhpur.
4. Sri Ram Swarup Mishra  
The Then E.D.D.A.,  
Present Branch Post Master,  
Khutahan Khas, Gorakhpur.

.....Respondents

By Advocate : Km. S. Srivastava

ORDER

By Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman

By this O.A. Under Section 19 of Administrative  
Tribunals Act 1985 the applicant has challenged the



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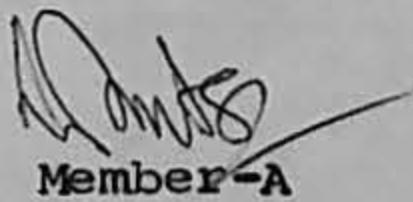
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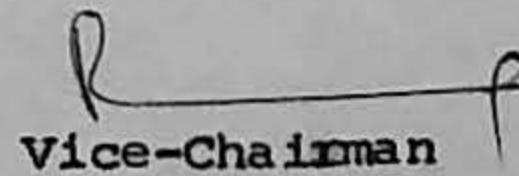
order dated 21.6.97 by which respondent no. 4 has been appointed as Extra Departmental Branch Post Master (EDBPM) Khutahan Khas, District Gorakhpur. The facts of the case are that the post of the EDBPM ~~had~~ <sup>had</sup> fallen vacant on account of retirement of Shri Raj Man Yadav. The respondent no. 4 was serving as Extra Departmental Delivery Agent (EDDA) in the same post office. For appointment as EDBPM requisition was sent to Employment Exchange who forwarded five names including that of the applicant. However, respondents by impugned order, copy of which has not been filed, appointed respondent no.4 as EDBPM on his request. Shri A. Srivastava, counsel for the applicant has challenged the order on the ground that his name could only be considered along with other candidates whose names were forwarded by the Employment Exchange. He could not be appointed directly by way of transfer. He placed before us rule 20 of EDA (C&S) Rules 1964. However, rule 20 contains exceptions for <sup>a</sup> ~~general~~ <sup>which</sup> rule to fill up the post by appointment from the outsiders. One of the exceptions mentioned in the rule is as under:-

"When an ED Post falls vacant in the same office or in any office in the same place and if one of the existing EDAs prefers to work against that post, he may be allowed to be appointed against that vacant post without coming through the Employment Exchange, provided he is suitable for the other post and fulfills all the required conditions."

2. In the present case the respondent no.4 was serving in the same post office as EDDA. When the post of EDBPM ~~had~~ <sup>was</sup> fallen vacant, he made an application for being appointed as EDBPM and order was passed in his favour. We do not find any error in the appointment of respondent no.4. The application has no merit and is accordingly dismissed.

3. There will be no order as to costs.

  
Member-A

  
Vice-Chairman

/Neelam/