

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of September, 2003.

QUORUM : HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.

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

O.A. No. 898 of 1997.

Bhanu Pratap Singh, aged about 34 years S/O Sri Raghupati Singh R/O Village and P.O. Lalpur, Shivrajpur, Kanpur Dehat.

.....

..... Applicant.

Counsel for applicant : Sri R. Verma.

Versus

1. Union of India through Chief Post Master General, U.P. Lucknow.

2. Superintendent of Post Offices, Kanpur Dehat.

3. Inspector of Post Offices, Postal Sub-Division, Bara, Kanpur.....

..... Respondents.

Counsel for respondents : Sri/Km.S. Sr-ivastava.

O R D E R (ORAL)

BY HON.MR.JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, applicant has challenged the order dated 13.5.1997 (Annexure-I) by which applicant was intimated about the cancellation of his appointment on the post of EDMP on the ground that his appointment was illegal.

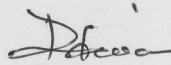
2. After hearing counsel for the parties at length, by order dated 28.8.03, we directed the counsel for the respondents to produce the original record for selection of EDMP for branch post office Shivrajpur, Kanpur Division. The record has been placed before us. From perusal of the record, it is clear that the police report dated 8.10.98 against Sri Ranveer Singh, another candidate for the post was that, ^{He} was involved in a criminal case under section 317/324/504/506 IPC and he was convicted by Assistant Session Judge, Kanpur Dehat, ^{and sentenced to imprisonment and} ~~who imposed a penalty~~ fine of Rs.500/=

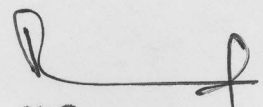


but in appeal he was acquitted by learned Additional Session Judge, Kanpur Dehat on 8.7.88. Copy of the appellate order was annexed with the report. Police further said that otherwise ^{character} he is good and there was no complaint against him. Respondent No.3, however, while making selection, mentioned against Ranveer Singh that his character is not satisfactory. The remark was totally against ^{the report} submitted by the police. In t-his manner Ranveer Singh was not selected and applicant was given chance though on merit he was at second place. In high school Ranveer Singh had secured 48.2% marks whereas applicant had secured 46.6% marks. Injustice was done to Ranveer Singh and apparent favour was given to the applicant.

3. In this circumstances, we do not find that it is a fit case for interference, ^{and} if the impugned order is set aside, ^{the} another illegal order passed in favour of the applicant shall be restored, which shall not be in the interest of justice. The O.A. is accordingly dismissed having no merit.

No order as to costs.


A.M.


V.C.

Asthana/