

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 5th day of February 2001.

Original Application no. 935 of 1997.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. M.P. Singh, Administrative Member

Bramha Singh, S/o Harivansh Singh,
R/o village and Post Office Baraparwa,
Haisar Bazar, Distt. Basti.

... Applicant

C/A Shri R. Mishra

Versus

1. The Union of India through it's Secretary,
Department of Post, Ministry of Communication,
Dak Bhawan, Parliament Street, New Delhi.
2. The Chief Post Master General, Lucknow.
3. The Post Master General, Gorakhpur Region,
Gorakhpur.
4. The Director, Postal Services, Gorakhpur.
5. The Superintendent of Post Offices, Basti.
6. Vinod Kumar Shukla, S/o A.P. Shukla,
R/o Village and Post Office, Baraparwa,
Haisar Bazar, Distt. Basti.

... Respondents

C/Rs. Km. Sadhana Srivastava

...2/-

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O R D E R (Oral)

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

By this OA under section 19 of the A.T. Act, 1985, the applicant has questioned the legality of appointment of respondent no. 6 on the post of EDBPM vide order dated 23.12.96.

2. The facts in short are that one Shri Raj Bihari Singh who was serving as EDBPM, Barparwa Distt. Basti died on 22.5.96. A requisition dated 26.6.96 was sent to Distt. Employment Officer, Basti for sending suitable names for appointment on the said post by 25.7.96. It is not disputed that the name of the ^{the} applicant as well as ^{that of} respondent no. 6 were forwarded by the Employment Exchange. The respondents have selected respondent no. 6 and appointed him as EDBPM. Aggrieved by this the applicant has filed this OA.

3. Learned counsel for the applicant has challenged the appointment of respondent no. 6 on two grounds. First submission is that the respondent no. 6 acquired the landed property before last date for submitting the names by the Employment Exchange. Hence the property acquired by the respondent no. 6 ^{subsequently} should not have been taken into account.

4. We have examined the facts of the case. The Employment Exchange was required to forward names by 25.7.96. However, the landed property was purchased by respondent no. 6 on 19.7.96, as clear from the sale deed filed alongwith Counter affidavit. It is true

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that the mutation on the basis of the aforesaid sale deed was allowed on 25.10.96, but the facts remain that the property had come in the possession of respondent no. 6 well before crucial date. In the circumstances, the submission of the learned counsel for the applicant cannot be accepted. We have perused the order (annexure A-3), containing facts and reasons for selecting respondent no. 6. We do not find any illegality in the same. The order does not suffer from any error. The O.A. is dismissed accordingly. No order as to costs.


Member-A


Vice-Chairman

/pc/