

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 182 OF 1998  
ALLAHABAD, THIS THE 16<sup>th</sup> DAY OF NOVEMBER, 2004  
HON'BLE MR. JUSTICE S.R. SINGH, V.C.  
HON'BLE MR. D. R. TIWARI, MEMBER(A)

ICchhanshu Kant Srivastava  
s/o Shri Radha Raman Srivastava,  
r/o Village Kasimpur Jura @ Museypur  
Balrajnagar, Pargana Nawabganj, Tahsil Saraon,  
District-Allahabad.

.....Applicant

(By Advocate : Shri A. Dwivedi)

V E R S U S

1. Union of India through the Secretary, Ministry of Cimmunication, Government of India, New Delhi.
2. The Senior Superintendent of Post Offices, Allahabad Division, Allahabad.
3. The Sub Divisional Inspector, Post Offices, Sub Division, Saraon, District-Allahabad.
4. Shri O.B. Singh, Sub Divisional Inspector, Post Offices, Saraon, District-Allahabad.
5. Shri Radhey Shyam Maurya, Overseer Post Offices, Atrampur, Saraon, District-Allahabad.
6. Shri Parashath Patel, son of Shri Jangilal Patel, r/o Qasimpur Jura @ Museypur, Saraon, District-Allahabad.

.....Respondents.

(By Advocate : Shri S. Mandhyan)

O R D E R

By Hon'ble Mr. Justice S.R. Singh, V.C.

Notice to the sixth respondent was sent by registered post on 11/03/1999. Neither undelivered cover nor acknowledgement due has been received back. In the circumstances, service of notice would be deemed sufficient.

(Ran)

Sixth respondent<sup>s</sup> <sup>has</sup> neither put his appearance nor filed counter affidavit. We, therefore, proceed to decide the case on the basis of averments made in the Original Application and counter affidavit filed on behalf of the official respondents.

2. In paragraph 14 of the Original Application, it has been alleged that on the basis of academic qualification and other qualifications possessed by the applicant, he was placed at serial No.1 in the merit list of the candidates who were considered for the promotion to the post of Extra Departmental Post Master, Balraj Nagar, (Atrampur) Allahabad. But the sixth respondent<sup>s</sup> has been illegally appointed.

3. In para-8 of the counter affidavit, however, it has been stated that sixth respondent<sup>s</sup> Shri Parasnath Patel had secured highest marks in the High School examination and was found most suitable candidate for appointment to the post in question. In the relevant service rules, it is provided that promotion to the post of Extra Departmental Branch Post Master would be made on the basis of merit, <sup>as determined</sup> <sup>in</sup> basis of <sup>the</sup> which is to be ~~determined~~ on the <sup>as</sup> marks obtained in the matriculation examination. That being the position, no ~~exception~~ <sup>exception</sup> can be taken to the appointment of Shri Parasnath Patel son of Shri Jangilal Patel, <sup>but</sup> the 6<sup>th</sup> respondent<sup>s</sup>, who had secured highest marks in the high-school examination. Accordingly, O.A. fails and is dismissed. No costs.

*Dew*  
A.M.

*Dew*  
V.C.

shukla/-