

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
SITTING AT NAINITAL.

Original Application No. 317 of 1998.

this the 13th day of June 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Madan Lal Bhatt, S/o Sri Salik Ram Bhatt, B/o Village
Uchakot, Post Devi Khal (Dugadda), District Pauri Garhwal.

Applicant.

By Advocate : Sri B.D. Upadhyay.

Versus.

1. Union of India through Secretary, Ministry of Communication (Posts & Telegraph), New Delhi.
2. The Director of Postal Services, Q/O Post Master General, Garhwal Region, Dehradun, U.P.
3. The Supdt. of Post Offices, Pauri Division at Pauri District Pauri Garhwal.
4. Sri Vijai Prakash, S/o Sri Girdhari Prasad, EDBPM, Devi Khal Post office, Devi Khal (Dugadda), District Pauri Garhwal.

Respondents.

By Advocate : Km. S. Srivastava.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for setting-aside 4.3.1998 passed by the respondent no.3 (Annexure-1 to the O.A.). A direction is also sought to the respondents to appoint the applicant on the post of Extra Departmental Branch Post Master (EDBPM in short) at Post Office Devi Khal (Dugadda), District Pauri Garhwal.

2. The applicant has claimed that he was duly appointed as Extra Departmental Delivery Agent (EDDA in short) vide order dated 24.9.93 by circle Inspector of the Post Offices and was posted at Post office Devi Khal (Dugadda) District Garhwal. The post of EDBM, Devi Khal (Dugadda) District Pauri Garhwal, fell vacant on account of retirement of one Gaje Singh Rawat and the charge of EDBM was handed over to the applicant by the Mail Overseer on 9.12.1996. The Supdt. of Post Offices had sent a requisition to the Employment Exchange and the name of the applicant was also sponsored by the Employment Exchange. The applicant claims that he was selected, but on account of non-completion of police verification, the appointment order was not issued to him for regular appointment as EDBM. Thereafter, the new incumbent on the post of Supdt. of Post Offices rejected the earlier proceedings regarding appointment on the post of EDBM at post Office Devi Khal (Dugadda), District Pauri Garhwal. He sent another requisition to the Employment Exchange. In pursuance of the said requisition, the applicant gave his application and he was considered alongwith four other candidates. He claims that he was only the departmental candidate, but was not given priority over the other categories for appointment to the post of EDBM.

3. We have heard the arguments of Sri B.D. Upadhyaya, learned counsel for the applicant and Km. S. Srivastava, learned counsel for the respondents.

4. We find that initially the applicant was given the charge of EDBM. The respondents in their Counter Reply have stated that they have no knowledge and have stated that the appointing authority of the post of EDBM is Inspector of Post Offices. The respondents have stated that they sent a requisition on 15.7.1996,

but they found certain irregularities in the requisition dated 15.7.96. The learned counsel for the respondents has mentioned that the requisition dated 15.7.96 contained a clause regarding permanent residence of the applicant in village Devi Khal. This requirement has been amended by the letter dated 7.1.1994 (Annexure C-3 to the Counter Reply). It was stated that as the basic condition of age and residence of the candidates mentioned in the requisition dated 15.7.96 was irregular and contrary to the rules, hence the same was cancelled and a fresh requisition was made on 10.9.97 requesting the Employment Exchange and Zila Sainik Kalyan Board, Lansdown to sponsor the names of suitable candidates upto 9.10.97. It was also stated that as no name was sponsored by the Employment Exchange upto 13.10.97, hence as per rule open/direct notification was made on 14.10.97 by sending the copies to Pradhan, Patwari, Headmaster of Primary School, Branch Post Master, Devi Khal, Sub-Postmaster, Dugadda, Sub-Divisional Inspector of Post Offices and Mail Overseer, Kotdwara Pauri for information and wide publicity. It was further stated that the list of five candidates sponsored by the Employment Exchange were received and in direct notification too the applications of five candidates were received. The applicant as well as the respondent no. 4 were considered in the said selection and a comparative list was maintained (Annexure C-6 to the Counter Reply). The merit of the respondent no. 4 was found to be higher than that of the applicant and consequently the appointment was offered to the respondent no.4.

5. We find no flaw in the selection of the respondent no.4 on the post of EDBPM, Devi Khal (Dugadda District Pauri Garhwal. We, therefore, find no merit in the application and the same is dismissed. No costs.

Dattu Mudda
GIRISH/- MEMBER (J)

Dattu Mudda
MEMBER (A)