

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of March, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 318 of 1998

Chandra Shekhar Singh S/O Shri Shiv Poojan Singh R/O Arangi,
Distt. Chandauli.....

.....Applicant.

Counsel for applicant : Sri B. Ram.

Versus

1. Union of India through Secretary, Department of Post (P),
Ministry of Communication, Dak Bhawan, Sansag Marg,
New Delhi.
2. P.M.G/Director Postal Services, Allahabad.
3. Senior Superintendent of Post Offices, East Division,
Varanasi.
4. Jiute Bandhan Singh S/O Musafir Singh R/O Village and
Post Arangi, District Chandauli.

.....

.....Respondents.

Counsel for respondents : Sri S. Chaturvedi & Sri H.S.
Srivastava

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri Avnish Tripathi holding brief of Sri B. Ram, learned counsel for applicant, Sri Pankaj Srivastava holding brief of Sri S. Chaturvedi, learned counsel for official respondent, Sri H.S. Srivastava, learned counsel for private respondent and perused the pleadings.

2. It appears that the post of EDBPM, Arangi fell vacant on account of retirement of regular incumbent Sri Shiv Poojan Singh. Nominations were call from Employment Exchange vide office order dated 4.8.1997. The Employment Exchange sponsored five names including the applicant and Sri Jiute Bandhan Singh. It is not disputed that the appointment for the post of EDBPM was required to be made

(Signature)

on the basis of merit by the department in view of the marks obtained in the matriculation or equivalent examination. In paragraph 14 of the Counter, it is admitted that the applicant got the highest marks in the High School examination in comparison to the rest four candidates sponsored by the Employment Exchange. The applicant was denied appointment firstly on the ground that he had no room to keep the post office and secondly, as per Gram Pradhan, he was a 'drunkard' and 'attached with political parties'. In our opinion, denial of appointment to the applicant, who was highest in the order of merit, was illegal and arbitrary. The applicant's father himself was EDBPM, Arangi and in the same accommodation, the Branch Post Office was running and the same accommodation was available with the applicant, who was entitled to be appointed as per rule. The certificate issued by Gram Pradhan that the applicant was a drunkard and attached to the political parties ought not to have been relied on without further proof and without giving an opportunity to the applicant to have a say against the information given by the Gram Pradhan. In case of Sri Ram Kumar Gupta Vs. Union of India & others 2003(3) ATJ 128, in GAT judgment of Jabalpur Bench, it is clearly held that a candidate having secured higher marks in matriculation is entitled for the appointment as EDBPM and he cannot be denied that he is not having accommodation. The Tribunal has also taken the same view in H. Lakshmana and others vs. The Superintendent of Post Offices Bellary and Others 2003 (1) ATJ 277.

3. Accordingly the O.A. succeeds. The impugned order is quashed. The respondents are directed to offer appointment to the applicant for the post of EDBPM, Arangi with liberty reserved to the Post Office to take suitable action according to law in case the applicant is found to be a drunkard. It is also observed that since the 4th respondent has worked for about more than six years, ^{he may be considered for admission} secure his ^{for admission}

RAJ

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Smallest
Appointment according to rules.

No order as to costs.

D. Deen
A.M.

R. V.
V.C.

Asthana/