

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 534 OF 1998

TUESDAY, THIS THE 07th DAY OF SEPTEMBER, 2003

HON'BLE MR.JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. D. R. TIWARI, MEMBER(A)

Lal Mani, son of Bhuhidhar,
r/o Village Nidur,
Post Domanpur, District-Sant Ravidas Nagar.

.....Applicant

(By Advocate : Shri P. N. Tiwari)

V E R S U S

1. Chief Post Master General, U.P. Region, Lucknow.
2. Superintendent of Post Offices, Varanasi Division, Varanasi.
3. Union of India through the Director (Post Master General) Head Post Office, Allahabad.
4. Up Dak Nirikshak Pashehimi Mandal Gyanpur, District Sant Ravidas Nagar.
5. Brij Lal, son of Khelari, r/o Village Bhakora, Post Palhaiya, District Sant Ravidas Nagar.

.....Respondents

(By Advocate : Shri Amit Sthaleker)

O R D E R

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

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the appointment of respondent No.5 as E.D.D.A. at Sub Post Office Domanpur



district Sant Ravidas Nagar, Bhadohi. The applicant was also one of the candidates for the said post. The appointment of respondent No.5 is being challenged on the ground that he was not qualified for the post as certificate of Uttar Madhyama and marksheets obtained from Sampurnanand Sanskrit University Varanasi is not true. In support of this submission, applicant has filed a certificate dated 13.02.1999 obtained from Sampurnanand Sanskrit University, Varanasi. The certificate states that Roll No.18524 (which is claimed by respondent No.5 as roll No. allotted to him in 1990) was not allotted to any student. This certificate has been filed as Annexure RA-2.

The applicant has also filed a certificate ^{dated 1} 21.12.1998 from SRI MARUTI SANSKRIT MAHAVIDYALAYA, SAKALPUR, VARANASI stating therein that no student with Roll No.18524 appeared from his institution in 1990 in the examination for Poorva Madhyama

Second).

2. Counsel for the respondents on the other hand submitted that along with Counter reply a letter addressed to the Inspector Post Office Gyanpur Sub Division Bhadohi has been filed, which shows that respondent No.5 appeared in examination of Poorva Madhyama with Roll No.18524.

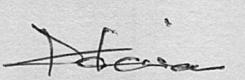
3. In view of the contradictory certificate produced from the same institution, it appears necessary that a thorough enquiry should be made by the departmental authorities to ascertain the correct position whether respondent No.5

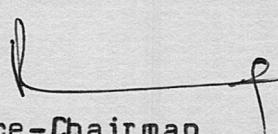


actually passed Poorva Madhyama Examination in 1990 from Sampurnanand Sanscrit Vidhyalaya, Varanasi.

4. For the reasons stated above, we dispose of this O.A. with a direction to Chief Post Master General, U.P. Region, Lucknow (Respondent No.1) to hold a ^{Thorough} ~~through~~ enquiry in this matter and ascertain the correct fact with regard to educational qualification of respondent No.5. If he comes to conclusion that respondent No.5 was not qualified for appointment, necessary orders may be passed against him. In this enquiry, both the applicant and respondent No.5 shall be permitted to adduce evidence. It is further made clear that respondent No.5 may hold enquiry himself or he may depute a competent officer ^{and} to hold the enquiry ~~and~~ thereafter he may pass the order. The enquiry shall be concluded within 4 months from the date a copy of this order is filed.

5. There will be no order as to costs.


Member (A)


Vice-Chairman

shukla/-