

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

MISC. APPLICATION NO.2057 OF 2002

IN

ORIGINAL APPLICATION NO.723 OF 1998

ALLAHABAD THIS THE 29TH DAY OF MARCH 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

Pramod Kumar,
Son of Shri Ram Bachan,
Resident of Village Sarawanpur,
Post-Kakrahi,
District-Azamgarh.

.....Applicant.

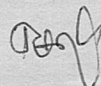
(By Advocate Sri S. Verma)

Versus

1. Hari Sewak Prasad,
Son of Hitai Ram,
Resident of Village Kakrahi,
Post Kakrahi,
District-Azamgarh.
2. Sub Divisional Inspector,
Head Post Office,
Azamgarh (West).
3. Ramji Pandey,
Sub Divisional Inspector,
Head Post Office,
Azamgarh (West).
4. Post Master,
Post Office Kakrahi,
Azamgarh.
5. Union Of India,
through its Secertary,
Post & Telegraph Department,
New Delhi.

.....Respondents.

(By Advocate Shri B. N. Singh)



O R D E R


HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

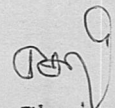
Challenge in the Original Application was to the validity of appointment of Opposite Party no.1 made vide letter dated 02.07.1998. The prayer was made that the respondent no.2 be directed to appoint the applicant as an Extra Departmental Delivery Agent/Extra Departmental Mail Carrier. The Tribunal found that the applicant had obtained 84% marks in the Junior High School Examination as against 57.23% marks obtained by respondent no.1. The benefit of marks obtained in the 10th standard, claimed by the respondent no.1, was not extended to him. It was, however, provided that the respondent no.1 may approach the authorities for alternative appointment in view of the past service rendered by him for more than three years and as regards the appointment of Extra Departmental Delivery Agent is concerned, the 2nd respondent was directed to put prioritization of candidates based on the interpretation as given above and appoint one of the candidates on the post of Extra Departmental Delivery Agent. The Original Application was thus, disposed of by order dated 24.01.2002.

2. Misc. Application no.2057 of 2002 was filed by the applicant for setting aside the order of appointment of Opposite Party no.1. There is none to press the Misc. Application. However, in view of the

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direction given to the 2nd respondent, priorities for appointment had to be made on the basis of marks obtained in the 8th standard and if that is done, the appointment issued in favour of the Opposite Party no.1 would be liable to be recalled by the competent authority. No further order needs to be passed in the Original Application. M.A. is disposed of accordingly.


Member-A


Vice-Chairman

/NEELAM/