

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 01st day of August 2003.

Original Application no. 1027 of 1998.

Hon'ble Maj Gen K.K. Srivastava, Member-A
Hon'ble Mrs. Meera Chhibber, Member-J

Anup Kumar Kanaujia, S/o Sri Babu Lal,
R/o 10/195, Khalasi Line, Gaul Tola,
Kanpur City.

... Applicant

By Adv :

Versus

1. Union of India, through the Secretary to the Ministry of Communication (Post) Dak Bhawan, New Delhi.
2. Sub Divisional Inspector Post Office, Kanpur Region, Kanpur.
3. The Inspector Post Offices, Sub Division (South), Kanpur City.

... Respondents

By Adv : Sri S.C. Tripathi

O R D E R

Hon'ble Mrs. Meera Chhibber, JM.

In this OA, filed Under Section 19 of the A.T. Act, 1985, the applicant has sought direction to the respondents to consider the name of the applicant amongst those names sponsored by Employment Exchange, Kanpur and if found within zone or merit, he may be selected and appointed against the vacant post of Extra Departmental Delivery Agent (in short EDDA), Nirala Nagar Sub Post Office.

2.

2. Learned counsel for the respondents has invited our attention to the Suppl. Counter Affidavit filed by the respondents, wherein they have categorically stated that the applicant had annexed notification for the post of EDDA, Nirala Nagar, Post Office, when there was no post vacant for EDDA, Nirala Nagar, Post Office, Kanpur. They have further submitted that notification filed by the applicant as annexure 1 was false and manipulated document. They have categorically stated that department has neither notified nor has commenced any selection for EDDA for Nirala Nagar Post Office, Kanpur, though there was the post of Extra Departmental Packer at Nirala Nagar Post Office, which was notified, but the applicant never requested to be considered ^{said} against the post of Extra Departmental Packer. Therefore, the said post was notified and has also been filled up after proper selection. (Copy of the notification is annexed as annexure SCA 1). It is submitted by the respondent's counsel that Sri Kanlesh Chandra was selected as Extra Departmental Packer and since the applicant never sought relief for the post of Extra Departmental Packer this OA is liable to be dismissed with costs.

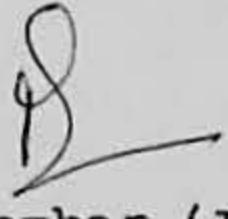
3. We have seen that this Suppl. Counter Affidavit was filed as back as on 08.09.1999, but the applicant has neither bothered to file any reply to the said suppl counter affidavit, meaning thereby that the averment made by the respondents have not been opposed by the applicant, nor he is present today in the Court to press his OA. Accordingly, we are satisfied that there is no merit in this OA. The same is accordingly dismissed.

....3/-

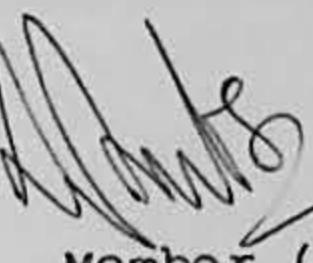


3.

4. Since the respondents have stated that the applicant had produced false and manipulated document, we could ^{have} imposed cost on the applicant, but since he is not present in the Court, it ^{would be} ~~could~~ not be feasible ^{for} ~~to~~ the department to recover cost even it is imposed on the applicant. Therefore, in the given circumstances no costs is being imposed.



Member (J)



Member (A)

/pc/