

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 115 of 1998

Allahabad this the 21st day of May, 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mrs.Meera Chhibber, Member (J)

Awadh Kumar Son of Sri Pingal Prasad Pandey,
Resident of Village Aurahwa, Post Office Dhebarua
Badhani, District Siddharthnagar.

Applicant

By Advocate Shri O.P. Pandey (Absent)

Versus

1. Union of India through Secretary Post and Telegraph Department, New Delhi.
2. Superintendent of Post Basti Division, District Basti U-P.
3. Inspector of Post Dhebarua Via Badhani, District Siddharthnagar.
4. Post Master General, Gorakhpur Region U.P. Circle Gorakhpur.
5. Ram Prakash Yadav S/o Laxman, Resident of Village Post Office Dhebarua , Badhani, District Siddharthnagar.

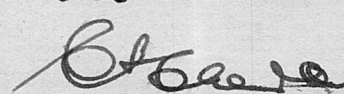
Respondents

By Advocate Shri S.C. Tripathi

O_R_D_E_R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

The case of the applicant is that he
appeared for the test of Extra Departmental Branch



Post Master(for short E.D.B.P.M.) held on 18.11.96.
The applicant was duly considered and was placed at serial no. 5 in the select list and the respondent no.5 was placed at serial no.2. The applicant has challenged the appointment of respondent no.5 on the ground that he got 58 marks whereas the respondent no.5 got only 48.2%.

2. In their counter-affidavit the respondents have averred that the applicant was neither a permanent resident of the place for which he had applied for the post of E.D.B.P.M. nor did he have any property or permanent source of income, which was essential condition for eligibility of the post. This has been mentioned in para-9 of the counter-affidavit and in his rejoinder the applicant has not rebutted this allegation that he was neither the permanent resident of that place nor holder of property in the said area. He could not produce any proof of income at the time of selection. Since the allegation made in para-9 of the counter-affidavit has not been rebutted, it is presumed to be accepted as true.

3. In view of the fact that the applicant did not possess the requisite qualification of residence and regular source of income(holding of property) the claim of the applicant has no merit. The O.A. is accordingly rejected. No order as to costs.



Member (J)



Member (A)