

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 23rd DAY OF FEBRUARY, 2004

Original Application No.1238 of 1998

CORAM:

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

HON.MR.D.R.TIWARI, MEMBER(A)

Chandra Prakash Khare, aged about
23 years, son of Shri Manohar Lal Khare
resident of 240/11, Civil Lines, Jhansi

(By Adv:Shri R.K.Nigam) .. Applicant

Versus

1. Union of India through Post Master General, U.P.Lucknow.
2. Senior Superintendent of Post Offices, Jhansi Division, Jhansi
3. Assistant Supdt. of Post Offices, North Sub-Division, Jhansi
4. Sanjeev Kumar Namdeo, aged about S/o Shri Har Narain Namdeo, R/o Behind State Bank, Civil Lines, Jhansi.

(By Adv: Ms.Sadhnana Srivastava) .. Respondents

Alongwith OA No.388 of 2001

1. Sanjeev Kumar Namdeo
Son of Shri H.N.Namdeo,
House No.357/4, Civil Lines
Behind S.B.I., Jhansi

.. Applicant

(By Adv: Shri L.N.Mishra)

Versus

1. Union of India, through Chief Post Master General U.P.Circle, Lucknow.
2. Post Master General, Agra Region, Agra.
3. Senior Supdt. of Post Offices Jhansi Division, Jhansi.

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4. Assistant Supdt.of Post Offices
North Jhansi sub Division, Jhansi
5. Chandra Prakash Khare,E.D.
Packer, posted at Kutchery, Jhansi
240/E, near Civil Lines Colony,
Jhansi.

.. Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

JUSTICE S.R.SINGH,V.C.

Chandra Prakash Khare, applicant of OA No.1238/98 and Sanjeev Kumar Namdeo the applicant of OA 388/01 arrayed as party respondent no.4 in OA 1238/98 were applicants for appointment on the post of E.D.Packer, Post office Jhansi Kutchery, Jhansi. Chandra Prakash Khare came to be selected and appointed vide letter dated 2.1.1998 annexed as (Annexure A6) to OA 1238/98. The appointment was subsequently cancelled by order dated 23.9.1998(Annexure A1) to OA 1238/98 on the ground that on review the appointment was found irregular. It has come in the counter affidavit filed on behalf of the department that the marks obtained by the candidates in the High school examination were not taken into consideration even though according to the rules merit in the preferential qualification if any was required to be taken into consideration. The order dated 23.9.1998(Annexure A1) is the subject matter of impugnment in OA 1238/98. The OA No.388/01 has been instituted by Sanjeev Kumar Namdeo for issuance of a direction to the respondents to appoint him as ED Packer at sub post office in Jhansi kutchery after cancelling the interim order earlier issued by the

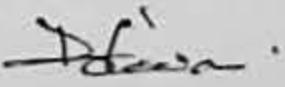
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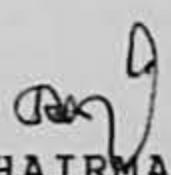
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OA
Tribunal in OPA 1238/98. In the supplementary counter affidavit filed on behalf of the department, it has been stated that the 8th class mark sheet on the basis of which Chandra Prakash Khare had been appointed was found to be bogus. Reliance has been placed on the report filed as (Annexure SA-1) which had been submitted by A.S.P.(V) Regional Office, Agra. Even though list has been revised none has appeared to press OA No.1238/98. After hearing Shri L.N.Mishra counsel appearing for Sanjeev Kumar Namdeo and Ms.Sadhana Srivastava learned counsel representing the department, we dispose of the OA 1238/98 with the direction that Senior Superintendent of Post Office Jhansi division, Jhansi shall, after considering the marks obtained by the candidates in the High school examination, issue appointment in favour of the candidate ^{OA 1238/98} stands highest in order of merit to be ascertained on the basis of the marks obtained in the Matriculation as preferential qualification.

In view of the order passed in OA 1238/98, OA No.388/01 has ^{been} rendered as infructuous.


MEMBER (A)


VICE CHAIRMAN

Dated: 23.2.2004

Uv/
