

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 14th day of Dec. 2001.

QUORUM : HON. MR. R.R.K. TRIVEDI, V.C.
HON. MR. K.K. SAIVASTAVA, J.M.

O.A. No. 212 of 2001.

1. Jai Prakash Yadav s/o Sri Ikbal Narain Yadav a/a 28 years,
r/o Vill. & Post - Rawatganj, Tehsil - Kapiarganj, District
Gorakhpur..... Applicant.

Counsel for applicant : Sri R.B. Yadav.

Versus

1. Union of India through PMG, Gorakhpur Region, Gorakhpur.
2. The Senior Superintendent of Post Officer, Gorakhpur
Division, Gorakhpur.
3. Sri Satish Chandra Yadav s/o Sri Mukti Nath Yadav r/o
Vill. - Belaghata, Post - Turkiwalia, District - Gorakhpur.
..... Respondents.

Counsel for respondents : Sri S. Chaturvedi.

ORDER (ORAL)

BY HON. MR. R.R.K. TRIVEDI, V.C.

By this O.A., the applicant has challenged the order dated 13.2.01 by which Post Master General, Gorakhpur has decided that his appointment as EDBM, Rawatganj, Distt. Gorakhpur was not legal.

2. The facts of the case are that applicant and Respondent No.3 Sri Satish Chandra Yadav were candidates for appointment ~~as EDBM~~ for the post of EDBM, Rawatganj. However, the applicant was selected and appointed. The appointment was challenged by Respondent No.3 by filing a representation before the competent authority. Thereafter he filed O.A. No. 1165/93 challenging the appointment. The O.A. was disposed of finally with the direction to Post Master General to decide the representation by a reasoned order. The representation has been decided by order dated 13.2.01 after hearing the applicant and Respondent No.3. The findings recorded are that in High School, the performance of respondent No.3 was better

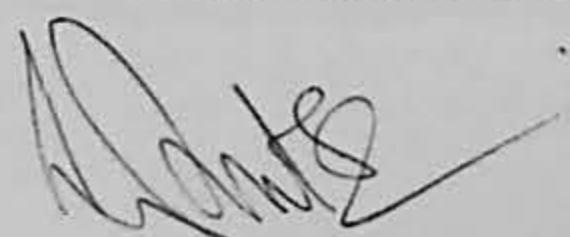


as he had secured 61.5% marks whereas the applicant secured 50.8% marks.

3. There was another allegation against the applicant that he was holding the elected post in Gram Panchayat and this fact was concealed by him in his application dated 14.12.92 in which he had declared that he does not hold any elected post. In defence of this plea of Respondent No.3, applicant submitted that he ^{had} resigned from the post. The post Master General has considered in detail and found that the applicant ^{had} sent a letter addressed to District P.M.O. in January 93 which was accepted in May 1993. It clearly shows that on the date of application, he held an elected post but this fact was deliberately denied. As regards residence, the respondents also found that he does not belong to the village Kawatganj. In departmental enquiry, the documents filed by the applicant have been found not genuine. For all these reasons, the appointment of the applicant has not been upheld. We have considered the submissions of learned counsel and perused the impugned orders. We do not find any good ground calling for our interference.

4. Counsel for the applicant then submitted that on basis of the appointment, applicant served on the post for about 8 years and now he has been rendered unemployed. Considering this aspect, we observe that in case rule permits, he may be considered for appointment at some other place. Subject to aforesaid observations, this O.A. is dismissed having no merit.

There shall be no order as to costs.


A.M.


V.C.

Asthana/