

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF JANUARY, 2002

Original Application No.261 of 2001

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Lal Mani Shukla, S/o ram Kirpal Shukla
R/o Village & post Office Arai
Police Station Karchchana
Tehsil Karchchana, district
Allahabad.

... Applicant

(By Adv: Shri Anupam Shukla)

Versus

1. Union of India through the
Secretary, Ministry of Post &
Telegraph, New Delhi.
2. Chief Post Master General,
Uttar Pradesh, lucknow.
3. Director Postal Services
Allahabad.
4. Senior Superintendent of Post
Offices, Allahabad.

... Respondents

(By Adv: shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA applicant has challenged the order dated 1.3.01 by which S.S.P.O. respondent no.4 in pursuance of the direction of this Tribunal found that the selection of the applicant for the post of EDBPM was not correct. On the basis of the merits he found that one Satish Chandra Misra had secured higher marks than the applicant in High school and also satisfied all the conditions for appointment as EDBPM. On these findings he directed the termination of the services of the applicant with immediate effect and directed to initiate fresh proceedings ~~discontinued~~ for selection.

of

On the basis of the findings, the respondent no.4 Shri Satish Chandra Misra filed OA No.1334/01 in this Tribunal and challenged the order directing fresh selection for the post of EDBPM, Arai district Allahabad. This OA had been dismissed on merits by order dated 10.1.2002. The operative part of the order reads as under:-

" we find that merely on account of candidature of the applicant in earlier selection and successful challenge to the appointment of private respondents in the earlier OAs, the applicant gets no vested right to be appointed after exclusion of all others. The circumstances in which the impugned order had been passed itself justifies a fresh selection in so much as the most meritorious candidate had been excluded because of his filing an incomplete application at that time."

Thus the impugned order dated 1.3.01 has been upheld by the Division bench of this Tribunal. In the circumstances, the applicant is not entitled for any relief in this OA.

The counsel for the applicant, however, submitted that applicant was working on the post since 1994 under the interim order dated 5.5.1993 passed in OA 718/93. It is submitted that there is no complaint against the work and conduct of the applicant and he may be allowed to continue on the post till fresh selection is finalised. It is submitted that the applicant may also be permitted to participate in the fresh selection.

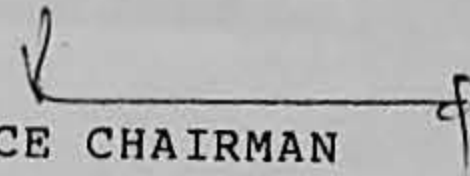
Considering the facts and circumstances, though order dated 1.3.2001 impugned in this OA is maintained, however if the applicant is still working on the post, he shall be



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allowed to continue until the fresh selection is
finalised. ^{He may also be allowed to participate in selection.}
No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated January 28th, 2002

Uv/