

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF JANUARY, 2003

Original Application No.503 of 2001

CORAM:

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

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

Murtaza, son of Aas Mohammad,  
R/o village & Post Hâtampur,  
District Chandauli.

... Applicant

(By Adv: Shri Virendra Singh)

Versus

1. Union of India through Secretary Post & Telegraph, New Delhi.
2. UP Mandaliya Inspector, Post Office Chandauli, UP Mandal Chandauli, Varanasi.
3. Superintendent Post Office East Prakhand, Varanasi.
4. Deena, son of Ramraj Prasad R/o village Chhapra, Gaon Panchayat & Nyay Panchayat Utari, Block Chahania, District Chandauli.

... Respondents

(By Adv: Shri D.K.Dwivedi)

O R D E R (Oral)

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

By this application u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to consider the applicant for appointment on the ~~post~~ of Extra Departmental Runner. He has also prayed that respondent no.3 may be directed to decide the representation of the applicant dated 30.7.00 which is pending before him for cancellation of the appointment of respondent no.4 by order dated 30.12.1998.

The facts of the case are that applications were invited for appointment on the post of E.D.Runner at post office Hatempur (Kamalpur) in district Chandauli on 10.12.1998. The names were sent by employment exchange. <sup>Slip</sup> The applicant claims that <sup>his</sup> name was sent by employment exchange and he also filed application on 7.11.1998 for being considered for appointment as E.D.Runner. The grievance is that he has not been considered for appointment and respondent no.4 has been appointed.

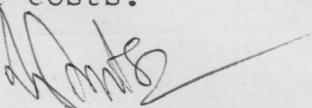
Counter affidavit has been filed. In para 9 whereof, it has been stated that the name of the applicant was not sponsored by employment exchange and he did not submit any application for being considered for appointment. In Rejoinder affidavit applicant again reiterated his stand that he has made application. As there was no material except oath against oath and <sup>WR</sup> asked the learned counsel for the applicant ~~to~~ to show the material on which basis it may be said that application was sent by applicant. The counsel for the applicant has placed before us the original application dated 7.11.1998, copy of which was filed in the OA. It appears that the application was sent by regd. post. Another application was sent on 16.11.1998 by speed post. In view of this material in our opinion the ends of justice will be served if we direct the Post Master General Allahabad to consider the representation of the applicant and pass a reasoned order after hearing respondent no.4.

The OA is accordingly disposed of finally with the direction to Post Master General Allahabad to consider the representation of the applicant and pass a reasoned and detailed order as to how the candidature of the applicant was not considered for selection and pass a suitable order in accordance with law. We further direct that he shall <sup>also</sup> give opportunity to respondent no.4 to hear before passing



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the order. The applicant shall file copy of the representation alongwith copy of this order. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 8th Jan: 2003

Uv/