

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

Original Application No.253 of 2004

Thursday, this the 18th day of March, 2004.

Hon'ble Maj. Gen. K.K.Srivastava, A.M.
Hon'ble Mr. A.K. Bhatnagar, J.M.

Nagendra Pratap Singh,
aged about 40 years,
S/o Shri Bade Lal Singh,
R/o Village Baresta Khurd,
Post Baresta Kalan,
Allahabad.

.....Applicant.

(By Advocate : Shri S.K.Srivastava)

Versus

1. Union of India through its Secretary,
Ministry of Post & Telegraph,
New Delhi.
2. The Post Master General,
G.P.O. Allahabad Division,
Allahabad.
3. The Senior Superintendent of Post Offices,
Allahabad Division, Allahabad.
4. Rajeshwar Nath Mishra,
S/o Sri Sarjoo Prasad Mishra,
R/o Village Raipur,
Post Ugrasenpur,
Allahabad.

.....Respondents.

(By Advocate : Shri R.C. Joshi)

O R D E R

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

In this O.A., filed under Section 19 of A.T. Act, 1985, the applicant has challenged the appointment of respondent No.4 i.e. Shri Rajeshwar Nath Mishra as Gramin Dak Sewak (GDS) Branch Post Master, Bhogwara, District-Allahabad. The applicant has prayed that the appointment of respondent No.4 be quashed and the applicant be allowed to work as G.D.S. B.P.M., Bhogwara.

2. The facts, in short, are that during March/April 2002 applications were invited for selection to the post of G.D.S. B.P.M. Post Office, Bhogwara. 20 candidates applied and three candidates were short-listed whose names are Shri N.P.Singh (the applicant), Shri Ramesh Kumar Pal and Shri Rajeshwar Nath Mishra i.e. respondent No.4. The verification in respect of all the candidates was done through the ^{by} authorities. The applicant apprehending favouritism given to respondent No.4, filed representation before respondent No.3 i.e. Appointing Authority. Without considering the representation of the applicant, the respondent No.3 allowed the respondent No.4 to join as G.D.S. B.P.M., Bhogwara on 19.2.2004. Aggrieved by the action of respondent No.3, the applicant filed a representation before respondent No.2 on 20. 2.2004, which is still pending.

3. Learned counsel for the applicant submitted that the applicant is most meritted candidate as he secured 64.2% marks in the High School, the other applicant Shri Ramesh Kumar Pal who was short-listed secured 62.4% marks in the High School whereas the respondent No.4 i.e. Rajeshwar Nath Mishra secured only 47.8% marks in the High School. The action of the respondent No.3 in appointing respondent No.4 is illegal and the applicant is entitled for relief.

4. Learned counsel for the respondents submitted that the applicant has not attached the marks sheet of Shri Ramesh Kumar Pal and Shri Rajeshwar Nath Mishra i.e. respondent No.4. Non-attachment of these certificates have no bearing in this case because the averment in this regard in para 4.3. of the O.A. has not specifically been denied by respondents and this fact can well be verified from the selection file by the respondents. Learned counsel for the

respondents further submitted that he may be allowed time for filing counter so that the facts could be brought on record. We are not inclined to grant any time for filing counter as it is a fit case to be decided at the admission stage itself.

5. We have heard the counsel for the parties and perused the records.

6. The applicant filed a representation before respondent No.3 on 11.12.2003 (Annexure-A-5) and enclosed a copy of the same to respondent No.2 when the applicant came to know that the authority concerned was going to appoint respondent No.4 as G.D.S. B.P.M. However, he filed another representation before respondent No.2 on 20.2.2004 after Respondent No.4 was appointed. So far the representation of the applicant has not been decided by the respondent No.2.

7. In our considered opinion, the interest of justice shall better be served if a suitable direction is issued to respondent No.2 to decide the representation of the applicant which is pending before him by a reasoned and speaking order within a specified time.

8. In the facts and circumstances, we dispose of this O.A. at the admission stage itself with direction to respondent No.2 i.e. Post Master General, Allahabad to decide the representation of the applicant dated 20.2.2004 (Annexure-A-6) by a reasoned and speaking order within a period of two months from the date of communication of this order. There shall be no order as to costs.

MEMBER (J)

MEMBER (A)

RKM