

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 22nd day of NOVEMBER 2006.

Original Application No. 879 of 2004.

Hon'ble Dr. K.B.S. Rajan, Member-J
Hon'ble Mr. P.K. Chatterji, Member-A

Suraj Nath, S/o Paitoo Prasad,
R/o Village Dumari Khas Post Sardar Nagar,
GORAKHPUR.

Applicant
By Adv: Sri A. Yadav

V E R S U S

1. Union of India through Chief Post Master General,
U.P. Parimandal,
BUCKNOW.
2. The Post Master General, Gorakhpur Division,
GORAKHPUR.
3. Pravar Adhikshak,
Post Offices Gorakhpur Division,
GORAKHPUR.
4. Kshetriaya Sewa Yojan Adhikar,
GORAKHPUR.
5. Rishikesh, S/o Ram Surat,
R/o Village and Post Khorabad,
GORAKHPUR.

Respondents

By Adv: Sri S. Singh & Sri R.P. Singh

O R D E R

By Hon'ble Dr. K.B.S. Rajan, Member-J

The applicant is one of the aspirants for the post of GDSBPM in the Post Office Dumari Khas for which advertisement was issued in December 2002. The applicant is stated to be the resident of that village. Admittedly, on merit, he stood first with 60.8% marks, but the respondents had chosen to issue

appointment order to another aspirant Sri Kishikesh (Respondent No. 5) who had secured 58.6% marks and the denial of appointment to the applicant was stated to be on account of the alleged fact that the applicant has not provided any suitable accommodation to operate the Post Office in that village. However, admittedly the applicant was not given any opportunity in this regard after he has been found to be meritorious.

2. The applicant contends that he has the accommodation in the village to operate the Post Office and as he was not given opportunity in this regard and he has not been selected. Pleadings also do not reflect any documents to show that the applicant was given opportunity in this regard. Under the existing rules, once the applicant is selected for appointment, he should be given necessary opportunity to make arrangement for accommodation and it is only in the event to his inability to arrange such accommodation that the appointment could be given to the next in the merit list. In the instant case, admittedly this has not been followed and according to the learned counsel for the applicant the applicant had indeed given necessary details in the very application. As such, the appointment of respondent No. 5 as GDSBPM of Dumari Khas is illegal and the applicant is entitled to be appointed as GDSBPM Dumari Khas.

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4. The question that now arise for consideration is that for no fault of respondent No. 5 he shall have to without job. By now, he has completed near about three years and as such the justice demands that he has to be accommodated in some other Post as GDSBPM.

5. The OA is allowed. The respondents are directed to issue offer of appointment to the applicant as GDSBPM of Dumari Khas, subject to his fulfilling the condition relating to provision of accommodation for running the Post Office. In case he fails to provide such accommodation, respondent No. 5 may be allowed to continue. Instead, if the applicant could fulfill the necessary condition then the respondents shall appoint the applicant as GDSBPM, Dumari Khas gements for accommodating respondent No. 5 against the first available vacancies of GDSBPM in the same Sub Division.

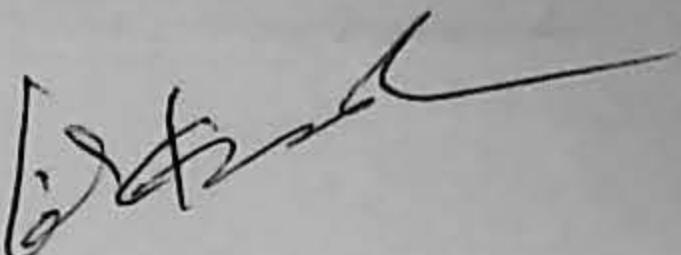
6. The offer of appointment to the applicant shall be made within a period of one month from the date of communication of this order and within one month, thereafter, the applicant should make arrangement for necessary accommodation to run the Post Office. Till the applicant is appointed, the respondent No. 5 shall discharge the duties of GDSBPM Dumari Khas and as regards further appointment of respondent No. 5 as directed above is in the next/existing vacancy of the GDSBPM.

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7. With the above direction the OA is disposed of.
No cost.

meath -

Member (A)



Member (J)

/pc/