

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1057 of 2004.

Allahabad this the 20th day of September 2004.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Parma Nand Singh
S/o Sri Shesh Mani Singh
R/o Village- Pachwah, Post - Khajuri, Koraen,
District Allahabad.

.....Applicant.

(By Advocate : Sri B Ram)

Versus.

1. Union of India
through Secretary (Post),
Ministry of Communication, Dak Bhawan,
Sansad Marg, New Delhi.
2. Post Master General, Allahabad Region,
Allahabad.
3. Superintendent of Post Offices, Mirzapur
Division, Mirzapur.
4. Sub-Divisional Inspector, Robertsganj,
Sub Division Robertsganj.
5. Sri Pankaj Dayal S/o Sri Parmeshwar Dayal
R/o Village and Post- Jharkhurd, Dudhi),
District Sonbhadra.

.....Respondents.

(By Advocate : Sri Saumitra Singh)

O_R_D_E_R

By this O.A., filed under section 19 of Administrative
Tribunals Act 1985, the applicant has prayed for following
relief(s):

"(i) to issue an order, rule or direction quashing
and setting aside the impugned order of the
appointment of the respondent No.5 which was made
in violation of the mandatory rules (Annexure A-1
in compilation No. part 2 to this original
application)

(ii) to issue an order, rule or direction in the
nature of mandamus commanding the respondents to
appoint the applicant on the said post of
G.D.S.M.D/MC Jharkhurd, district Sonbhadra.

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(iii) to issue an order, rule or direction in the nature of mandamus commanding the respondent No.4 to make the appointment on the said post of G.D.S.M.D/M.C. Jharkhurd, District Sonbhadra in accordance with the provision of Gramid Dak Sewak (conduct and employment) rule 2001 as well as the law".

2. The case, in brief, as per the applicant is that the post of G.D.S.M.D/M.C Jharkhurd District Sonbhadra fell vacant ~~post~~ due to retirement of regular incumbent namely Sri Sukar Prasad. The post was advertised by notification dated 18.03.2002. In pursuance to this notification, fourteen candidates applied for the said post including the applicant. The grievance of the applicant is that inspite of better marks in comparison to respondent No.5 his claim has been ignored and respondent No.5 has been appointed on the post of G.D.S.M.D./M.C.

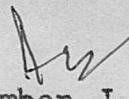
3. Learned counsel for the applicant submitted that the applicant secured 68.33% marks while respondent No.5 secured only 61% marks as stated in para 4.9 of the O.A. Learned counsel for the applicant further submitted that the main critaria for making the appointment is merit and appointment should be made as per rules filed by the applicant as Annexure A-4. Learned counsel for the applicant further submitted that respondent No.5 has been appointed against the existing Recruitment Rules. Learned counsel for the applicant submitted that representation dated 28.10.2002 followed by several representation have been sent by the applicant against his grievance to the Superintendent of Post Offices, Mirzapur Division, Mirzapur but no action has been taken so far by the department. Learned counsel for the applicant submitted that the applicant will be satisfied if his representation dated 28.10.2002 is decided by the respondents as per rules within a specified period.

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4. Learned counsel for the respondents submitted that he has got no objection if the representation of the applicant is decided by the department as per rules.

5. Accordingly, the O.A. is disposed of with a direction to respondent No.3 to consider and decide the representation of the applicant dated 28.10.2002 by a reasoned and speaking order within a period of three months from the date of receipt of a copy of the order under intimation to the applicant. Applicant is also directed to send a copy of the representation to the respondent No.3 immediately for early disposal of the representation.

No costs.


Member-J.

Manish/-