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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration O.A. No. 187 of 1987

Som Nath Applicant.

Versus

Union of India and others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member(A)

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant, feeling aggrieved, for his non-selection to the post of 'Extra Departmental Branch Post Master' which post fell vacant because of the retirement of his father on attaining the age of 65 years, has approached to this Tribunal. It appears that the applicant has come forth with the allegation that during the term of his father, he used to work as 'EDBPM' in the post office which was ~~functioning~~ ^{near} from his residence. The applicant has also applied for the vacant post and the respondent, who has been selected ~~was~~ also applied. Employment Exchange has also sent ~~the names of~~ ^{at least} 2 persons apart from one more person. The applicant submitted an income certificate which indicates that his monthly income was Rs. 450/- per month but instead of selecting the applicant, the selecting authority selected the respondent, Girish Dutt Pandey on the ground that ~~his~~ his monthly ^{income} ~~exceeded~~ was more than that of the income of the applicant in as much as from the Tehsildar's certificate, it appears that his monthly income was Rs. 600/- per month. From the respondents' own Written Statement, it appears that this certificate was given by the Tehsildar on the basis of the land which was in the name of the respondent Girish Dutt Pandey. The total land which was in his name was only ~~25~~ 25 dsm. and the Tehsildar calculated his monthly income to be Rs.

600/- per month. It is strange that in this state such Tehsildars are still allowed to work as Tehsildars who do not know how the land is to be valued and what can be income from this land. Obviously, the estimate given by the Tehsildar under no circumstances can ~~not~~ fit with the truth and the Tehsildar, it appears, ~~should~~ deliberately gave such a certificate in ~~order~~ ^{Revenue} favour of the respondents. It appears that the Tehsildar was not even conversent with the provisions of the ~~Railway~~ Manual or any other provisions, ~~where~~ ^{or when} how the land is to be valued and the income is calculated is given. The selection of the Respondent as 'EDBPM' only on the preferential grounds of more income and that too on the basis of the made ^{up} certificate by the Tehsildar is not only arbitrary and against the principles of natural justice and can not be supported even by the ^{Revenue} ~~Railway~~ Rules.

2. In the result, we allow this application and direct the respondents to appoint the applicant on the post of EDBPM by setting aside the appointment of the respondent from the said post. The application is allowed as above. Parties to bear their own costs.

Manu Singh
Member (A)
Dated: 22.10.1991
(n.u.)

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Vice-Chairman