

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

T.A.No.1882 of 1987.

Markandey SinghApplicant.

Versus

Post Master General Lucknow & others .Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant, who was not allowed to join the duties, filed writ petition before the High Court praying that a mandamus be issued directing the respondents to allow the applicant to join the duties. His prayer is that they be also directed to pay the allowances and remuneration of the applicant since 15.7.85 and to go on making the payment as and when it falls due. The applicant was appointed on 15.7.85 by the Sub-Divisional Inspector Kauri Ram, Sub-Division Kauri Ram, Gorakhpur as Extra Departmental Delivery Agent. He went to join his duty but the Branch Post Master did not allow him to join his duties although joining report was submitted by him. The applicant made several efforts but every time the respondent no.2 did not allow him to join the juries. He approached the Sub-Divisional Inspector but he expressed his inability on the ground that he has received a letter from Shri Mahabir Prasad-M.P. not to allow the applicant to join the duties.

On the other hand, one Jag Lal, who does not belong to the village and P.O.Ujjarpur, and legally cannot be appointed according to service rules for Post and Telegraphs Extra Departmental Staff, was appointed on the said post. Thus, it is at the instance of said Mahabir Prasad that the applicant was not allowed to join the duties, although his

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appointment was quite genuine and was made by the competent authority.

2. The respondents in their reply have pointed out that the Extra Departmental Post Office Ujjarpur was sanctioned as a Special case on pursuance of Shri Mahabir Prasad, Member of Parliament and was opened on 14.12.82 in a room of his house as offered by him. Subsequently, one Prabhu Nath, brother of Shri Mahabir Prasad-aforesaid, was appointed as Extra Departmental Branch Post Master and Shri Ram Ratan was appointed as Extra Departmental Delivery Agent-cum-Extra Departmental Mail Carrier. Later on, said Ram Ratan left the service due to which his services had to be terminated on 20.5.85. The Employment Exchange sponsored the names of only two candidates i.e. Markandey Singh- the applicant and Jag Lal. The appointing authority found that said Jag Lal did not belong to the Delivery jurisdiction of Branch Office, Ujjarpur whereas Markandey Singh- the applicant belonging to Ujjarpur was eligible for the post, that is why the appointment letter was issued in his favour. Shri Jag Lal complained to the Post Master General, U.P. Circle Lucknow thereupon the Post Master General instructed the Senior Superintendent of Post Offices, Gorakhpur Division to hold in abeyance the appointment and a report was sent by the Senior Superintendent of Post Offices to the Post Master General and he directed the Sub-Divisional Inspector Kauri Ram to withhold the appointment. The enquiry report reveals that as three valid candidates were not sponsored by the Employment Exchange and that percentage of scheduled caste candidates was short of 21% as only 21 scheduled caste employees were appointed in the Sub-Divisional post office against 24, the Post Master General, U.P. Circle, Lucknow ordered to cancel the appointment of the applicant and to call fresh nominations from the Employment Exchange

for appointment of scheduled caste candidate. Thereupon the /Sub-Divisional Inspector Kauri Ram was directed by the Senior Superintendent of Post Offices to cancel the appointment of the applicant and in compliance to that the Sub-Divisional Inspector cancelled the appointment of the applicant.

3. The facts, stated above, indicate that the name of the applicant was not validly sponsored and the same was cancelled by the higher authority. It is not a case where the applicant had joined the duties and after joining the duties, the applicant's appointment was cancelled. As a matter of fact, the applicant could not have been allowed to join the duties. In the mean time, as information was received that the said post is a reserved post for scheduled caste candidate and fresh nominations be called for from Employment Exchange for appointment of scheduled caste candidate and the applicant's appointment be cancelled. Further, the selection was not a valid selection and there appears no ground to interfere in the matter as the respondents were within their jurisdiction to do so and there was no question to give an opportunity to the applicant. The applicant had no right to hold the said post. Accordingly, the application is dismissed. No order as to costs.

Gurharpal
MEMBER (A)

DATED: JULY 20, 1992

(ug)

bc
VICE CHAIRMAN.

20-7-92

Hon. Mr. Justice U. C. Singhal, V-C
Hon. Mr. K. Obayya, A.M.

Heard the learned Counsel for
the ~~opposite~~ parties. Judgment dictated
separately.

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V-C

A.M.