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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

O.A.No. 1158 of 1987

Raj Mani..... Applicant

Versus

D.P.S.Allahabad and others.. O.Parties

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

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

(By Mr. Justice U.C.Srivastava, V.C.)

In ^{this} ~~the~~ case ^{as} ~~of~~ one Suresh Prasad Pandey

Extra Departmental Branch Post Master Kirauna Post office ~~has been off duty~~, the names of eligible candidates were invited from the Employment Exchange Basti. The applicant was also one of the candidates. The Superintendent of Post Office Basti selected the respondent Prem Prakash Pandey *** vide appointment order dated 19.3.1985. The selection challenged by the applicant on the ground that it was unfair and that the respondent was not eligible for the said post. The respondent was not a permanent resident of village Kirauna and was not holding land in the village. The applicant made a representation against the same to DPS Lucknow which was rejected. He approached the Post Master General also which met the same fate and thereafter he has approached this Tribunal. According to the applicant the said respondent no.3 is educationally poorer than the applicant as the applicant is a graduate while the respondent no.3 is only an Intermediate securing lesser marks than the applicant and that the applicant is a permanent resident of village Kirauna while the respondent no.3 is the permanent resident of village Malhwar which is 24 Km. from Kirauna from Grant Post Office. located and further the applicant has landed property and has got his own house to accommodate the post office while the respondent has no house to live at Kirauna

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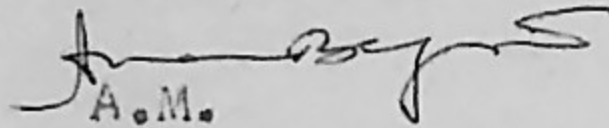
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what to say to accommodate the Branch Post Office. The Department has resisted the claim of the applicant. The applicant has subsequently placed on the record the Kutumb register of the village and certain other documents. He is also holding land in that village. He has also filed the certificate issued by the Sub-Divisional Magistrate in this behalf. The respondents have resisted the claim of the applicant and has stated that the Gram Pradhan rightly issued the certificate to the applicant who was a resident of Gram Samaj Rayath and that the applicant has stated that he was holding land in that village also and that is why such certificate was issued. Thus accordingly he was holding land in more than one place. The respondents have not given any house number in which the applicant reside or the Kutumb register of village Rayath though they have made reference to a certain certificate. The facts as stated above indicate that the respondents tried to resist the complaint made by the applicant and the documents filed by him. The respondents were applied to make an enquiry but they did not make any enquiry which was obligatory on them. The respondents should have made an enquiry in the matter only thereafter they should have come to a particular conclusion. Accordingly this application is allowed to the extent that the respondents are directed to hold an enquiry in the matter calling upon both the parties to furnish evidence and to ~~keep~~ ² ~~is~~ verify as to which party had got a particular ² house where they ordinarily reside and thereafter decide the matter. In case ~~is~~ it is found that the ² respondent is the resident of village Kirana and the respondents holds no house and no land in the village, the Competent Authority will set aside

the appointment so made and will make appointment of the applicant if found suitable of all the candidates who were given interview when the requisition was forwarded by the Employment Exchange. Let an enquiry in this matter be concluded before three months from the date of communication of this order. The applicant shall appear before Superintendent Post Office on 4th February, 1992 on which date he will nominate a person and to hold enquiry on the first date for the same.

No order as to the costs.


A.M.


V.C.

Dated: 22nd January, 1992.

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