
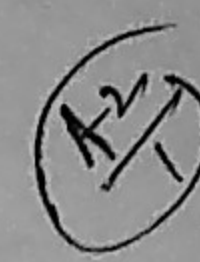


CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

D.A.No.3 of 1988

Kumari Ganga Devi                    :::::                    Applicant

Vs.

Union of India &  
Others.                                    :::::                    Respondents

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

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

Failing to get appointment as Extra Departmental Branch Post Master, Mayoli, Patti-Darun, District Almora, the applicant has approached this Tribunal. On 7-1-83 the post of E.D.B.P.M., Mayoli, Patti-Darun, District Almora, fell vacant due to the death of its incumbent. On 21-1-83 the Superintendent of Post Offices, Almora issued a notification inviting applications to fill up this post through Employment Exchange, Almora. The last <sup>date</sup> for reaching these applications to the office of Supdt. of Post offices was 21-2-83. Since requisite number of applications did not reach the office of Supdt. Post Offices, he issued another notification on 21-12-83 and the last date for reaching the applications was 29-1-84. As only one application was received the last date was again extended to 2-3-84. The Employment Exchange has sent only three applications to the Superintendent of Post Offices, Almora, (1) Kumari Ganga Devi, applicant (2) Bhawani Dutt, respondent No.2 (3) Pran Dutt. The Superintendent of Post Offices, Almora, appointed Bhawani Dutt, respondent No.2 though he did not possess the requisite qualifications, whereas the applicant was fully qualified. After giving notice u/s.80 CPC to Secretary, Ministry of Communication, New Delhi, against the said appointment, the applicant filed a Civil Suit on 2-6-86, before the Munsif, Almora, for

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for a declaration that the applicant is entitled to be appointed as Branch Post Master, Mayoli and for quashing the appointment of respondent No.2. The Munsif Court held that the Court was not competent to quash the appointment and the Suit was not maintainable and the applicant should have represented the matter to departmental authorities. Against the said order of Munsif, the applicant filed an appeal before the Civil Judge, Almora, who confirmed the decision of the Munsif Court, Almora, One of the reasons given by the appointing authority for giving appointment to respondent No.2 was that he was a retired army personnel, whereas the rules prescribed for this preference was that he should be a disabled ex-service personnel. The respondent No.2 was only a retired army personnel and not a disabled ex-serviceman. Yet appointment order was given to him.

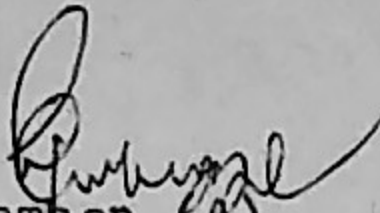
2. Shri K.C.Sinha, Counsel for the respondents, has put in an appearance and argued that so far as the judgement of the Munsif Court and Civil Court are concerned, they were without jurisdiction as it was after the C.A.T. came into existence. But on merit, the applicant is claiming technical benefits as preference was given to the army personnel and that is why the respondent No.2 was given appointment. He may not a disabled ex-serviceman, but he is an Army personnel who retired from service and as such he was to be considered on priority basis taking into consideration the various other provisions which give benefits to the Army personnel.

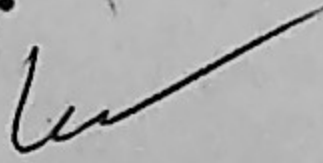
3. The respondent No.2 is working in the said post for the last 8 years and the settled state of

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affairs is also not to be unsettled. Though respondent No.2 is not a disabled ex-serviceman, he is a retired Army Personnel and as such priority and preference was given to him taking into consideration various other aspects which gives benefits to Army personnel who retired from service. The application of the applicant has no merit and accordingly the same is dismissed. No order as to the costs.

  
Member (A)

  
Vice-Chairman.

Dated: 11th February, 1993, Allahabad.

(tgk)