

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABADD

Dated: Allahabad this the 18th Day of July 2000.

Coram: Hon'ble Mr. Rafiq-Uddin, J.M.

Hon'ble Mr. M.P. Singh, A.M.

Original Application No. 1489 of 1992.

Yadunath Singh

S/o Shri Gazadhar Prasad Singh

R/o Village & P.O. Nandinkurmiyan, Rajapur,
District Banda.

... Applicant

Counsel for the applicant = Sri B.P. Singh

VERSUS

1. Superintendent of Post Office Banda.
2. Director Postal Services Kanpur Region, Kanpur.
3. Union of India through its Post Master General
U.P. Lucknow.
4. Mahendra Singh S/o Ram Narayan Singh
R/o Nandin Kurniyan P.O. Rajapur Distt.
Banda.
5. Inspector of Post Offices Banda.

dents

...ivastava

Counsel for the respondents = Km. Sa

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ORDER

The applicant, who was appointed as EDBPM (Extra Departmental Branch Post Master) in Nandin Kurmiyan Rajapur District Banda vide order dated 18.07.1997, has challenged his termination order dated 28.12.1991 which has been annexed as Annexure A-1 to this O.A.

2. The admitted case of the part^{ies} ^{is that the} ~~of this~~ applicant ~~was~~ appointed in the aforesaid post after he was found suitable for the post by the respondents on the basis of information furnished by the applicant. One of the conditions for suitability ^{is} ~~he has~~ ^{at} that the applicant should have safe accommodation for running the Post Office. However, it was found that another candidate who was, otherwise more suitable candidate ^{had} ~~at~~ no suitable accommodation for running, the Post Office. This information was given by Inspector Post Office vide his report dated 17.09.1991 a copy which has been annexed as CA-4.

3. As per this report the accommodation available with said Mahendra Singh was ~~303~~ situated in the Western corner of the village surrounded by the open field on 3 sides and ^{as much} ~~access~~ there was security risk

R_L

to the Post Office, The respondents rejected the candidature of Mahendra Singh on the basis of this report. Since the applicant stood second in the merit he was appointed on the ^{R₁}~~basis on~~ the post. However, on receipt ^{of a} ~~to the~~ complaint in this regard the matter was re-examined by the respondents. The appointment of the applicant was ^{R₁ Cancelled} ~~rejected~~ and his service terminated by impugned order.

4. We have heard the learned counsel for the respondents, ^{and} ~~has~~ ^e perused the record.

5. The learned counsel for the respondents has pointed out that on receipt of the complaint made by the respondent No.4 against ^{this} non-selection ~~one~~ ^{the} Assistant Superintendent of Post Office visited the locality and found that the report submitted by the Inspector Report ^{was not} ~~is~~ correct because the house of Mahendra Singh was not unsafe for housing the Post Office. Since the respondent No. 4 was ^{highest} ~~passed~~ in the merit amongst all the candidates in terms of G.O. dated 27.06.1991 because the respondent No.4 ~~has~~ passed High School in 1st Division, ^{has} The impugned order ~~have~~ been passed. There is no dispute about Mahendra Singh, respondent No. 4 having secured ^{high school} more marks in ~~certificate~~ and in view of the revised ^{enquiry} report submitted by Assistant Superintendent of Post Office after visiting the locality, ^{who} ~~but~~ found the accommodation for Post Office

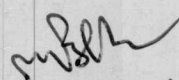
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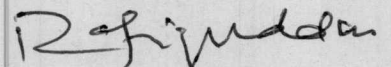
possession

in ~~position~~ of respondent No. 4 safe and secure.

It is clear that respondent No. 4 was better candidate than the applicant. Therefore, in our view the impugned order has been passed correctly and it does not require any interference by this court. O. A. is dismissed.

6. No order as to cost.


Member (A)


Member (J)

/T. Joshi/