

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

ORIGINAL APPLICATION NO. 1505 of 1992

ALLAHABAD THIS THE 4th DAY OF April 1995

Hon'ble Mr. S. Das Gupta, Member(A)
Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Shashi Kant Upadhyay S/o Sri Bikrama Upadhyay,
A/a 30 years, R/o Village and Post Office Dedhgawan,
Karanpur, Tehsil Chandausi, District Varanasi,
Working as E.D.D.A. cum Mail Man B.O. Dedhgawan,
District Varanasi.

APPLICANT.

BY ADVOCATE SHRI R.P. SINGH

Versus

1. Union of India through the Director General Posts
New Delhi.
2. Senior Superintendent Post Offices, Varanasi
3. Sub-Divisional Inspector, Chandauli, Varanasi.
4. Islam Ali S/o Abdual Ali, R/o Village and Post
Office, Dedhgawan Kamalpur, Varanasi.

RESPONDENTS.

BY ADVOCATE SHRI C.S. SINGH

O R D E R

By Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Through this petition, petitioner challenges the appointment of respondent no.4 as regular E.D.D.A. Mail man, Chandauli. He pleads that he was given provisional appointment on 15.4.91 on the post of E.D.D./E when one Shri "Madho Chaubey" was transferred from this ~~branch~~ branch office, Dedhgawan. He continued working there till the impugned order was passed on 29.10.1992. Names

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of 3 persons including that of the applicant were sent by the employment exchange for consideration of appointment to the said post. The petitioner claims that the respondent no.4 has been wrongly appointed when he had experienced of working as well as he had higher marks than respondent no.4 in High School and Intermediate. He has annexed annexure 3, 4 and 5 in support of his claim.

2. The respondents in their counter-reply have claimed that the petitioner was appointed in the year 1991 as one Sri Dassu Chaubey had vacated the post and appointment of the petitioner was a Stop Gap Arrangement till regular appointment was made. The respondents after getting permission for regular appointment had sent a requisition to the Employment Exchange, which had sent the names of 3 persons including the name of the petitioner. Their applications were processed and finding that Islam Ali, respondent no.4 had obtained higher marks in the middle and 10th class than the petitioner and finding that he belongs to the village where the post existed and that the petitioner was a non-local man, the respondent no.4 was selected and appointed and since then he has been working on the said post. They have

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pleaded that appointment of respondent no.4 was on merit. The appointment of the petitioner was terminated w.e.f. 29.10.1992 when the regular selected person was appointed.

3. The petitioner has cited G.S. Parvati Vs. Sub.Divisional Inspector(Postal) and others reported in (1993) 1 A.T.J. page 614 to argue that the experience gained as provisional E.D.A. should be given weightage in favour of the petitioner. This aspect has been considered by this Court. The ratio of the authority cited is that due weightage is to be given to experienced as provisional E.D.A. but, such experience will not be only decisive factor for selection and other relevant factors are to be taken into account. In the present case, the post to which appointment was to be made, carries the minimum qualification of middle pass. If, person has got higher marks in VIIIth class, he has to be given preference. The pleadings in the counter-reply show that respondent no.4 had higher marks than that of the petitioner both in VIIIth class and in the High School Examination. It is also recognised that for E.D.A., local person is given preference. The certificates furnished by the petitioner indicate only that he had been keeping his residence in the concerned village because of

his employment there whereas respondent no.4 belongs to the same village.

4. 7 The appointing authority has taken into consideration all the factors. The Court finds that no fault can be found in the selection of the respondent no.4 in preference to the petitioner who had only one factor in his favour, whereas the other were in favour of the said respondent. This petition is, therefore, dismissed having no merits. No order as to costs.


Member(J)


Member(A)

/M.M./