

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

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Original Application No. 1580 of 1992

Smt. Kamlesh Verma ..... Applicant  
Versus  
Union of India & others ..... Respondents

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

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

1. The applicant was engaged as a substitute Extra Departmental Branch Postmaster on the risk and responsibility of her husband Shri Mahesh Chandra Verma, who was working on the said post and was promoted in Postmen cadre. The said arrangement was made when he was going to attend the training for ten days w.e.f. 20.2.92 and was asked also to engage a suitable substitute and that is why it was done. She had no landed property and adequate means of livelihood. As a matter of fact when she applied for the post of E.D.B.P.M., she showed income of her husband as her income. As required a requisition was sent to Employment Exchange for forwarding the names for appointment to the post of E.D.B.P.M.. She was also considered for appointment but as she had no requisite qualification and fulfilling other condition, appointment was made of, Ram Singh, Respondent whose name was sponsored by the Employment Exchange, who was said to be fulfilling all the requisite qualifications. He had passed IX class while the applicant has passed only VIII standard. It is on this ground appointment was given to the said Ram Singh. The applicant has challenged the said appointment. According to her, Ram Singh also does not fulfil the

the requisite qualifications and he does not have any suitable accommodation for running post office. But there is no denial of the fact that Ram Singh has not got any suitable accommodation for running the post office. It is clear that normally married ladies have no separate income of their own except that <sup>of</sup> their husband. She may not have separate property and she can have claim over her husband property. The applicant was not qualified the respondent was also lacking in the requisite qualifications as such the selection was against the rules, and accordingly the appointment of Ram Singh respondent <sup>is</sup> against the rules.

2. Before this application was filed, ~~by~~ the Ram Singh ~~has taken~~ over charge. The appointment of Ram Singh is against the rules and ~~is~~ <sup>not</sup> given legal recognition ~~was taken~~ <sup>on</sup> the basis of such selection, Ram Singh cannot get the <sup>in</sup> service and it has been given the same will not confer any right to hold the said office. Accordingly the post will be deemed to <sup>be</sup> vacant and respondents are directed to start fresh appointment process and complete the same within a period of three months. The appointment shall be made in accordance with the law. With these observation the application is disposed of finally. No order as to costs.

Member (A)

Vice-Chairman

Allahabad .

Dated : 23/3/53  
(g.s.)